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THE CHARTER,

WITH THE AMENDMENTS THERETO,

AND

REVISED ORDINANCES

OF THE

CITY OF WARSAW, ILLINOIS;

WITH

AN APPENDIX

CONTAINING GENERAL LAWS OF THE STATE, ETC., RELATING TO THE CITY.

PUBLISHED BY AUTHORITY OF THE CITY COUNCIL OF THE CITY OF WARSAW.

WARSAW:
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Illinois
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Survey

ORIGINAL CHARTER.

AN ACT TO INCORPORATE THE CITY OF WARSAW.

ARTICLE FIRST.—*Of Boundaries and General Powers.*

SECTION 1. BE IT ENACTED BY THE PEOPLE OF THE STATE OF ILLINOIS, REPRESENTED IN THE GENERAL ASSEMBLY, That the inhabitants of the town of Warsaw, in the county of Hancock and State of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Warsaw;" and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that district of country embraced within the following boundaries, to wit: Beginning in the main channel of the Mississippi river, due west of the south side of the southwest fractional quarter of section nine, township four north, range nine west, in said Hancock county; thence up said river, along the middle of said channel, to a point due north of the east line of the southwest quarter of section three in said township; thence south to the southeast corner of the southwest quarter of section three; thence west to the centre of the south line of said quarter section; thence south to the southeast corner of the west half of the northwest quarter of section ten, in said township; thence east to the northeast corner of the southwest quarter of said section; thence south to the south line of Wilson's addition to the town of Warsaw; thence west to the east line of English's addition to said town; thence south to the south line of said English's addition to said town; and thence west to the place of beginning, is hereby declared to be within the boundaries of said city of Warsaw.

§ 3. The present board of Trustees of the town of Warsaw shall, on or before the first day of March next, divide the said city of Warsaw into three wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of Warsaw shall have been laid off in town lots and duly recorded as required by law, the same shall be annexed to and form a part of said city of Warsaw.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds or for other public purposes, for the use of the inhabitants of said city; to sell, to lease, convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

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ARTICLE SECOND.—*Of the City Council.*

SECTION 1. There shall be a city Council to consist of a Mayor, and Board of Aldermen.

§ 2. The Board of Aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years, and by general ticket, until otherwise ordered by the city Council.

§ 3. No person shall be an Alderman unless, at the time of his election, he shall have resided six months within the limits of the city, and shall be, at the time of his election, twenty-one years of age, a citizen of the United States, and a resident of the ward for which he is elected.

§ 4. If any Alderman shall, after his election, remove from the ward for which he is elected, his office shall thereby become vacated.

§ 5. At the first meeting of the city Council, the Aldermen shall be divided by lot into two classes. The seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the Board shall be elected annually.

§ 6. The city Council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

§ 7. A majority of the City Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

§ 8. The City Council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

§ 9. The City Council shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays, when demanded by any member present, shall be entered on the journal.

§ 10. No Alderman shall be appointed to any office under the authority of the city which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

§ 11. All vacancies that shall occur in the Board of Aldermen shall be filled by election.

§ 12. The Mayor, and each Alderman, before entering upon the duties of their office, shall take and subscribe an oath that they will support the Constitution of the United States, and of this State, and that they will well and truly perform the duties of their office to the best of their skill and ability.

§ 13. Whenever there shall be a tie in the election of Aldermen, the judge of the election shall certify the same to the Mayor, who shall determine the same by lot in such manner as shall be provided by ordinance.

§ 14. There shall be twelve stated meetings of the City Council in each year, at such times and places as may be prescribed by ordinance.

ARTICLE THIRD.—*Of the Chief Executive Officer.*

§ 1. The chief executive officer of the city shall be a Mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

§ 2. No person shall be eligible to the office of Mayor who shall not have been a resident of the city for one yeat next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States.

§ 3. If any Mayor shall, during the time for which he shall have been elected, remove from the city, his office shall be vacated.

§ 4. When two or more persons shall have an equal number of votes for Mayor, the judges of elections shall certify the same to the City Council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

§ 5. Whenever an election of Mayor shall be contested, the City Council shall determine the same in such manner as may be prescribed by ordinance.

§ 6. Whenever any vacancy shall happen in the office of Mayor, it shall be filled by election.

ARTICLE FOURTH.—*Of Elections.*

§ 1. On the first Monday of April next, an election shall be held in said city for a Mayor for the city, and two Aldermen for each Ward; and forever thereafter, on the first Monday of April of each year, there shall be an election held for a Mayor for the city, and one Alderman for each ward. The first election for Mayor and Aldermen shall be held, conducted and returns thereof made as may be provided by ordinance of the present Trustees of the town of Warsaw.

§ 2. All free white male inhabitants over the age of twenty-one years, who are entitled to vote for state officers, shall be entitled to vote for city officers: PROVIDED, the City Council may at any time require by ordinance, that said voters shall give their votes for Mayor and Aldermen in the wards in which they respectively reside, and in no other; and that no vote shall be received at any of said elections, unless the person offering the same shall be at the time an actual resident of said ward.

ARTICLE FIFTH.—*Of the Legislative Powers of the City Council.*

§ 1. The City Council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said city, not exceeding one-half of one per [cent. per] annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or this state.

§ 2. The City Council shall have power to appoint a Clerk, Treasurer, Assessor, Marshal, Supervisors of Streets, and all such other officers as may be necessary.

§ 3. The City Council shall have power to require of all officers appointed in pursuance of this charter, bond with penalty and security for the faithful performance of their respective duties, as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices before entering upon the discharge of the same; to establish, support and regulate common schools; to borrow money on the credit of the city: PROVIDED, that no sum or sums of money shall be borrowed at a greater interest than six per cent. per annum, except for railroad and plankroad purposes,

as hereinafter mentioned, nor shall the interest on the aggregate of all the sums borrowed and outstanding, ever exceed one-half of the city revenue arising from taxes assessed on real property within the limits of the corporation, except for railroad and plankroad purposes, as hereinafter mentioned.

§ 4. To appropriate money and provide for the payment of the debt and expenses of the city.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws for that purpose, and enforce the same within five miles of the city.

§ 6. To establish hospitals and make regulations for the government of the same.

§ 7. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

§ 8. To provide the city with water, to erect hydrants and pumps in the streets for the convenience of the inhabitants.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, lanes, avenues and alleys.

§ 10. To establish, erect and keep in repair bridges.

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.

§ 12. To provide for lighting the streets and erecting lamp posts.

§ 13. To establish, support and regulate night watches.

§ 14. To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

§ 15. To provide for the erection of all useful buildings for the use of the city.

§ 16. To improve and preserve the navigation of the Mississippi river within the limits of the city.

§ 17. To erect, repair and regulate public wharves and docks, to regulate the erection and repairs of private wharves and the rates of wharfage thereat.

§ 18. To license, tax and regulate hackney carriages, wagons, carts and drays, fix the rates to be charged for the carriage of persons, and for wagonage, cartage, and drayage of property.

§ 19. To license and regulate porters. and fix the rate of porterage.

§ 20. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

§ 21. To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses.

§ 22. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

§ 23. To regulate or prohibit the erection of wooden buildings in any part of the city.

§ 24. To regulate the fixing of chimneys and fixing the flues thereof.

§ 25. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.

§ 26. To regulate and order parapet walls and partition fences.

§ 27. to establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

§ 28. To provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 29. To provide for the inspection and weighing of hay and stone coal, the

measuring of charcoal, firewood and other fuel to be sold and used within the city.

§ 30. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal and whisky in barrels.

§ 31. To regulate the inspection of butter, lard and other provisions.

§ 32. To regulate the weight, quality and price of bread to be sold and used in the city.

§ 33. To regulate the size of brick to be sold or used in the city.

§ 34. To provide for taking enumerations of the inhabitants of the city.

§ 35. To regulate the election of the city officers, and provide for removing from office any person holding an office created by ordinance.

§ 36. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and apprehension of such fines and forfeitures, and the enforcement of such penalties.

§ 37. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance.

§ 38. The City Council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistant with the constitution of the United States, or this state.

§ 39. The style of the ordinance of the city shall be: "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARSAW."

§ 40. All ordinances passed by the City Council shall, within one month thereafter, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

§ 41. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE SIXTH.—*Of Mayor.*

§ 1. The Mayor shall preside at all meetings of the City Council, and shall have a casting vote, and no other. In case of non-attendance of the Mayor at any meeting, the Board of Aldermen shall appoint one of their number chairman, who shall preside at that meeting.

§ 2. The Mayor or any two Aldermen may call special meetings of the city council.

§ 3. The Mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of said city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be presented and punished; he shall from time to time communicate to the Aldermen such information, and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

§ 4. He is hereby authorised to call on every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot to call out the malitia, to aid in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to the said city a fine not exceeding five dollars.

§ 5. He shall have power, whenever he may deem it necessary, to require of any officer of said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

§ 7. He shall be commissioned by the governor as a justice of the peace for said city, and as such shall be a conservative of the peace in said city, and shall have power and authority to administer oaths, issue writs and processes under the seal of the city, to take acknowledgments of deeds, mortgages and other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace, in all civil and criminal cases within the limits of said city arising under the laws of the state, and shall receive the same fees and compensation for his services in similar cases.

§ 9. He shall also have jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

§ 10. And he shall receive for his services such salary as shall be fixed by an ordinance of the city, and the usual fees of the justice of the peace.

§ 11. In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Hancock county, and on conviction shall be fined not more than two hundred dollars; and the court shall have power, on the recommendation of the jury, to add to the judgment of the court, that he be removed from office.

ARTICLE SEVENTH.—*Proceedings in Special Cases.*

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed on, the Mayor shall cause the same to be assessed by a jury of six disinterested freeholders of the city.

§ 2. When the owners of all the property on the street, lane, avenue or alley proposed to be opened, widened or altered shall petition therefor, the City Council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance, but no compensation shall in such case be made to those where property shall be taken for the opening widening or altering of such street, lane, avenue or alley, nor shall there be any assessment of benefit or damage that may accrue thereby to any of the petitioners.

§ 3. All jurors impanelled to inquire into the amount of benefit or damage which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall be first sworn to that effect, and shall return to the Mayor their inquest, in writing, signed by each juror.

§ 4. In assessing the amount of compensation for the property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into con-

sideration the benefit as well as the injury happening by such opening, widening or altering of such street, lane, avenue or alley.

§ 5. The Mayor shall have power, for any good cause shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside, and cause a new inquest to be made.

§ 6. The City Council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to their respective parts owned by them, for the purpose of grading and paving the sidewalks.

ARTICLE EIGHTH.—*Miscellaneous Provisions.*

§ 1. The inhabitants of the city of Warsaw are hereby exempted from working on any road beyond the limits of the city.

§ 2. The City Council shall have power, for the purpose of keeping the streets lanes, avenues and alleys in repair, to require every male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys not exceeding three days in each and every year, and any person failing to perform such labor when duly notified by the Supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

§ 3. The City Council shall [have] power to provide for the punishment of offenders, by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

§ 4. The City Council shall cause to be published annually a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

§ 5. All ordinances and resolutions passed by the President and Trustees of the town of Warsaw, shall remain in force until the same shall be repealed by the City Council hereby created.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Warsaw.

§ 7. All actions, fines and forfeitures which have accrued to the President and Trustees of the Town of Warsaw, shall be vested in and prosecuted by the corporation hereby created.

§ 8. All property, real and personal, heretofore belonging to the President and Trustees of the town of Warsaw, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

§ 9. This charter shall not invalidate any act done by the President and Trustees of the town of Warsaw, nor divest them of any right which may have accrued to them prior to the passage of this act.

§ 10. The President and Trustees of the town of Warsaw shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Warsaw, and issue their proclamation for the election of officers and cause the same to be published in all the newspapers in said city, for four weeks in succession prior to the day of election for said city officers.

§ 11. Appeals shall be allowed from all decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Hancock county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court, under the laws of this state.

§ 12. Whenever the Mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the Board of Aldermen shall immediately proceed to elect one of their number President, who shall be Mayor pro tem.

§ 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

§ 14. All acts and parts of acts coming within the provisions of this charter that are contrary thereto, or inconsistent with its provisions, are hereby repealed.

§ 15. The City Marshal, or any other officer authorised to execute writs or other process issued by the Mayor, shall have power to execute the same any where within the limits of said Hancock county, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.

§ 16. The city of Warsaw is hereby authorised, in addition to the taxes already authorized to be collected, to levy a tax not exceeding one-eighth of one per centum in each year on all taxable property in said city, the proceeds of which said tax shall be wholly applied to the support of common schools in said city, and to no other purpose. Said tax is to be collected in the same manner and under the same regulations that other city taxes are collected.

§ 17. The City Council of said city shall have power to provide for enclosing, improving and regulating all public ground within the city, and for the punishment of injuries or damages done to trees, buildings or other improvements thereon, to license, tax and regulate auctioneers, merchants and retailers, groceries, taverns, and all places where fermented liquors are sold, and the venders of the same, hawkers, pedlars, brokers, pawn-brokers and money-changers: PROVIDED, that nothing herein contained shall be construed to vest in said City Council authority to grant license in any cases or for any purposes where the same may be prohibited by any existing or future general law of this state.

§ 18. The City Marshal of said city shall, by virtue of his office, be a constable of Hancock county, with power to serve process, and to do all acts that constables may lawfully do, and shall receive the same fees as are allowed to other constables by law, and shall, before entering upon the discharge of his office, in addition to the ordinary bond which may be required of him by city ordinance, execute another bond and file it in the office of the clerk of the county court of Hancock county, in like manner as other constables are now required to do by law, and he shall, moreover, take the same oath to discharge the duties of his office, and in the same manner that other constables are now required to take.

§ 19. The City Council shall have power to provide by ordinance for the organization and maintenance of a Mayor's Court for said city, and for the trial and punishment of all offenders against the ordinances of said city, made in conformity with the powers granted in this charter and not inconsistent with the constitution of the United States, or of this state.

§ 20. That in addition to the powers and privileges hereinbefore conferred, the City Council of said city of Warsaw, whenever a majority of the legal voters of said city shall, by vote at an election called for that purpose by the City Council, so express their wish to purchase or subscribe for shares of the capital stock in any

railroad company or plankroad company already incorporated, or hereafter to be incorporated or organized under any law of this state, and located wholly or in part in said Hancock county, in any sum or sums not exceeding one hundred thousand dollars in the aggregate; and the stock so subscribed for or purchased shall be under the control of the City Council of said city, in all respects as stock owned by individuals.

§ 21. That for the payment of said stock the City Council of said city are hereby authorized to borrow money at any rate not exceeding ten per cent. per annum, and to pledge the faith of the city for the annual payment of the interest and the ultimate redemption of the principal; or if said City Council shall deem it most advisable, they are hereby authorized to pay for such subscriptions or purchase in the bonds of the city, to be drawn for that purpose in sums not less than fifty dollars, bearing interest not exceeding ten per cent. per annum: PROVIDED, that no bond shall be paid out at a less rate than par value.

§ 22. The railroad companies and plankroad companies already organized or incorporated, or hereafter to be organized or incorporated under the laws of this state, and lying or being wholly or in part within the limits of said Hancock county, are hereby authorized to receive the bonds of said city to the capital stock of said company at par and in lieu of cash, and to issue their bonds bearing interest not exceeding ten per cent. per annum, for any moneys by them borrowed for the construction of their railroad or plankroad and fixtures, or for the purchase of engines and cars, and for such purpose may dispose of any bonds by them received as aforesaid.

§ 23. No bonds shall be issued under the provisions of this act, excepting for amounts required to be paid at the time of subscription, and for the amounts of and at the time when assessments upon all the stockholders of said company shall be regularly assessed and made payable.

§ 24. The said city of Warsaw is hereby authorized, in addition to the taxes hereinbefore authorized, to be collected, to levy and collect a special annual tax upon the property, real and personal, situated in said city, sufficient for the payment of the annual interest which may accrue upon any bonds to be issued by said city for railroad or plankroad purposes, under the provisions of this charter. Said special tax to be levied and collected at the same time and in the same manner as other taxes levied by said city, and the said city shall have the same rights, powers and remedies to enforce the collection of the same, by the sale of property or otherwise, as in or may be provided for in other cases relating to the city revenue. Said tax when collected shall be by the said City Council set apart and held separate and distinct from the other portions of the city revenue, as a fund specially pledged for a payment of the annual interest on the bonds aforesaid, and shall be by the said City Council from time to time applied to the payment of said interest as the same becomes due and payable, and to no other purpose whatever.

§ 25. That portion of township four north, range nine, west of the fourth principal meridian, lying within the corporate limits of the city of Warsaw, with such parts of said township as may be hereinafter incorporated with and become under the jurisdiction of said city, shall be and the same is hereby erected into a common school district, to be known as and called the "Warsaw School District."

§ 26. The care and superintendence of the common schools within the city of Warsaw, together with the funds and estate, both real and personal, belonging to and which may be conveyed to said Warsaw school district, shall devolve upon the

City Council of the city of Warsaw, and they shall have power to appoint, at their first meeting after their annual election in each year, a general superintendent of public schools for said city of Warsaw, whose term of office shall be for one year, and until his successor shall be duly elected and qualified, and his duties and the amount of his salary shall be defined by the City Council of the city of Warsaw: PROVIDED, HOWEVER, that the said salary shall at no time be paid out of the school fund belonging to said Warsaw school district; and said City Council shall have power to make all laws and ordinances necessary and proper for the management of said common schools not inconsistent with the constitution of this state.

§ 27. The township funds and estate, real and personal, belonging to said township four north, range nine west, shall be divided between the city of Warsaw, and the portion of said township lying without the city of Warsaw, as follows: the Trustees of schools of township four north, range nine west, shall, within three months from and after the passage of this act, appoint three respectable householders, one from the city of Warsaw, one from township four north, range nine west, residing outside of the city, and one residing in township four north, range eight west, in said Hancock county, who, or a majority of whom, after being duly sworn well and truly to perform their duty, shall ascertain as nearly as may be the number of white persons under the age of twenty years residing within said township four north, range nine west, both within and without the limits of said city of Warsaw, and they shall divide and apportion the aforesaid township funds and estate according to the number of children under the age aforesaid, residing in said township within and without said city of Warsaw, and shall pay over and deliver to said city the distributive share of the said township funds and estate aforesaid, to which the Warsaw school district may be entitled, according to the number of white persons under the age aforesaid, residing in said township within and without the limits of said city respectively, and the said Commissioners shall have power to make their deed of partition, and convey to the city of Warsaw its distributive share of the real estate belonging to the school fund of said township aforesaid; and in case the Commissioners appointed as aforesaid shall refuse or neglect to perform the duties aforesaid within one month from the time of their appointment, the said trustees of schools of said township shall have power to appoint others in their stead, either in or out of said city of Warsaw, who shall, in like manner, be sworn and perform the duties assigned to the first mentioned Commissioners; and said Trustees shall have power to make appointments and fill vacancies in the same until the objects of this act are carried into effect: PROVIDED, the same shall be done within twelve months from and after the passage of this act.

§ 28. The Trustees of schools of said township four north, range nine west, shall, upon such partition being made, pay over and deliver to the city of Warsaw the funds and deeds to which said Warsaw school district may be entitled according to the division and distribution aforesaid, and shall take from the clerk of the city of Warsaw a receipt for the same. All school houses in said city of Warsaw which have been built by taxation or voluntary contribution shall be and remain the property of the city for school purposes, and not subject to partition as provided in the preceding section, but the same [shall] be by said Commissioners conveyed to the said city in the same manner as the property which may be by them partitioned and set off to said city as hereinbefore provided.

§ 29. It shall be the duty of the City Council of the city of Warsaw to cause to be furnished to the school Commissioner of Hancock county an abstract of the

whole number of white children under the age of twenty years, residing in said Warsaw school district, within ten days after the number shall be ascertained; and the said school Commissioner shall annually pay to the clerk of the city of Warsaw the proportion of the school, college and seminary fund to which the said Warsaw school district may be entitled according to the number of children under the age aforesaid residing in said district, taking his receipt for the same: PROVIDED, that no abstract of the number of children as aforesaid, residing in said Warsaw school district, shall be returned to said school Commissioner oftener than once in two years, as required in other school districts.

§ 30. All members of any fire company of the city of Warsaw residing in said city, during the time he shall remain a member of such company, and comply with the rules and perform the duties thereof, shall be exempt from all road and street labor, and from serving as jurors, in every case whatever: PROVIDED, that this section shall not be so construed as to exempt any person from any tax upon property.

§ 31. The said city of Warsaw shall be exempt from the provisions of any and all laws providing for a system of township organization now in force, or which may hereafter be in force: PROVIDED, that nothing in this section contained shall prevent the legal voters residing in said city from voting on the question of township organization at any regular election held by the county for that purpose.

§ 32. That all general laws or parts of laws heretofore passed, or which may be hereafter passed, for the purpose of adding to or enlarging the powers of the towns and cities which have been or hereafter may be incorporated by any special act, or by virtue of any general law of this state, shall be deemed and held to apply as well for the benefit of the said city of Warsaw as of any other; and it shall at all times be lawful for the City Council of said city of Warsaw to claim and exercise any and all powers which may have or may hereafter be granted by general laws for the purpose of adding to or enlarging or extending the powers of towns and cities as aforesaid.

§ 33. The City Council shall have power to provide by ordinance that all taxes levied, assessed and collected under and by virtue of the provisions of this act shall be assessed and collected by the same Assessor and Collector, whose duty it shall be, by general law, to assess and collect the state and county tax for township four north, range nine west, in said Hancock county. If said City Council shall wish to have said city taxes so assessed and collected, it shall be their duty to inform the clerk of the county court as soon as convenient after the assessment is made in each year for state and county purposes, of the rate per cent. of taxation levied by them for city purposes for said year; and it shall thereupon be the duty of said County Clerk to carry out each, and extend said tax upon the books of the Assessor and Collector in the same manner that he is now required by law to carry out and extend the district school tax against the name of each tax-payer, whether resident or non-resident, owning property in said city; and said city tax shall be collected in every respect, and the collection thereof enforced in like manner and with like remedies as the state and county tax, and shall be paid over by the collector to the treasurer of said city at the same time that the county revenue is required to be paid over to the county. Any court which shall render judgment in said Hancock county against the lands and lots in said city for non-payment of taxes due the state and county shall, at the same time, include in the same judgment any and all taxes which may be due said city on any such property. For his ser-

vices in carrying out, adding and extending said tax in the books of the Assessor and Collector, said Clerk of the county court shall receive one per cent. on the amount of tax collected. The Collector shall receive the same compensation which may be allowed by law for the collection of state and county taxes, and shall be liable on his official bond for the payment of all such city tax by him collected. The fees of the Clerk and Collector to be paid out of the taxes thus collected.

§ 34. The aggregate of the general tax levied on the entire real and personal estate within said city shall in no one year exceed one per cent. on the assessed value threof.

§ 35. This act to take effect from and after its passage.

Approved February 12, 1853.

AMENDMENTS TO THE CITY CHARTER.

AN ACT to amend an act entitled "An act to incorporate the city of Warsaw," approved February 12, 1853.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That so much of section No. twenty-seven of article eight, of the act to which this is an amendment, as limits the time given to the Commissioners named in said section to make partition of the school property belonging to township four (4) north, range nine (9) west of the fourth principal meridian, in Hancock county, be and the same is hereby so amended as to allow the said Commissioners the further time of one year from the passage of this act, to perform the duties therein required of them.

SEC. 2. That so much of section thirty-first of article eight of said act as exempts said city from any and all laws providing for a system of township organization, be and the same is hereby repealed.

SEC. 3. That hereafter any justice of the peace within the limits of said city shall have, and they are hereby vested with jurisdiction to commence, hear and determine all actions or causes of actions, which may arise under the ordinances of said city, when the amount claimed does not exceed one hundred dollars, in the same manner as is now provided by law in other cases, anything contained in the aforesaid act to the contrary notwithstanding.

SEC. 4. This act to take effect and be in force from and after its passage.

APPROVED March 1, 1854.

AN ACT to amend an act entitled "An act to incorporate the city of Warsaw."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the City Council of the city of Warsaw be, and is hereby authorised to issue bonds of said city, not to exceed ten thousand dollars in amount, bearing interest not to exceed ten per cent. per annum, and payable within ten years from the date thereof, for the purpose of building and furnishing a school house or school houses, and for the purchasing the necessary grounds for the same, for the use of the common schools of said city.

SEC. 2. For the purpose of meeting the interest that may accrue on the bonds hereby authorized to be issued, and also for the payment of the principal thereof, at as early a day as practicable, the City Council of said city are hereby authorized to levy a special tax upon all the property, both real and personal, in said city, not to exceed one per cent. on the assessed value thereof, which said tax shall be in addition to all other taxes authorized to be levied by the City Council of said city, and the fund thus raised shall be set apart and appropriated to the purposes herein specified and to no other.

SEC. 3. That whenever the City Council of said city of Warsaw shall cause the ordinances of said city to be revised and published in book or pamphlet form, it shall not be necessary to make publication of the ordinances contained in said book or pamphlet in any public newspaper, but the time of going into effect of such ordinances as may be published in said book or pamphlet shall be determined from the date of the publication in one of the newspapers printed in said city, of a proclamation of the Mayor announcing the fact of the publication of the said ordinances in the form before mentioned.

APPROVED February 14, 1855.

AN ACT authorizing the city of Warsaw to sell the School Lands belonging to said city and confirming title to the same.

WHEREAS, by an act entitled an act to incorporate the city of Warsaw, approved February 12, 1853, the said city and such portion of township four north, range nine west of the fourth principal meridian, as may be hereafter incorporated into the same, was created into a "Common School District," to be known as and called the Warsaw School District; and WHEREAS, the Trustees of schools in said township four north, range nine west, were required by said acts to appoint three respectable householders to act as Commissioners, which said Commissioners were authorized and empowered by said act to divide the township funds and estate, real and personal, between the said city and that portion of said township lying without the limits of said city, in proportion to the number of children under the age of twenty years, residing within and without said city; and WHEREAS, the said Trustees of schools in pursuance of the requirements of said act, did on the third day of August, A. D. 1853, appoint John F. Charles, a householder residing in said city; Pierre A. Barker, a householder residing without the limits of said city, in township four north, range nine west, and William Frazee, a resident of township four north, range eight west, said Commissioners; and WHEREAS, said Commissioners did in pursuance of the powers vested by said act, and an act amendatory to the same, approved March 1, 1854, make division of the funds belonging to said township, as is by said acts required, and did also on the 9th day of September, A. D. 1854, in pursuance of authority conferred in said act, execute to the city of Warsaw a deed, conveying to said city for the use of said Warsaw School District, its proper proportion of the lands and town lots belonging to said township. Now, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the acts of said Commissioners be, and the same is hereby confirmed, and the title to all the lands and town lots recited in and intended to be conveyed by said deed be, and the same is hereby vested and confirmed in said city of Warsaw, for the use of said Warsaw School District, and no informality in the appointment by the Trustees of schools in said township, of said Commissioners, and no informality in the proceedings of said Commissioners in making said distribution and conveyance shall be allowed to impair, or in any wise affect the title by them intended to be conveyed to said city of Warsaw.

SEC. 2. Whenever two-thirds of the white male inhabitants of said city of Warsaw, of and over the age of twenty-one years, shall petition the City Council of said city of Warsaw, (said petition to be signed and authenticated in manner

and form as pointed out by the 16th section of an act entitled an act to establish and maintain common schools, approved February 12, 1849,) for the sale of the lands and town lots held by said city, for the use of said Warsaw School District, the said City Council may authorize the Mayor of said city to advertise and sell the same in manner and on such terms as may be prescribed by ordinance of said city, the funds arising from such sale to be held by the city, in trust, for the use of the common schools in said city.

SEC. 3. The Mayor of said city of Warsaw is hereby authorized to execute certificates of purchase to the purchasers of said school lands, under direction of the City Council, and in pursuance of the ordinance or ordinances that may be duly established for that purpose, and after the payment of the purchase money by any purchaser, he shall execute a deed in the form that may be prescribed by ordinance, to the person entitled thereto, for any portion of the lands or town lots aforesaid, and such deed duly executed by the Mayor of said city, shall vest the title in fee simple in the said purchaser, his heirs or assigns forever.

APPROVED Febrary 14, 1855.

AN ACT to amend an act entitled "An act to incorporate the city of Warsaw," approved February 12, 1853.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two of article one of said act be so amended as to include the following territory within the limits of the said city, to wit: commencing at a point in the middle of the main channel of the Mississippi river, due west of the south line of section seventeen, in township four north, range nine west of the fourth principal meridian, and run up stream, with the middle of said main channel, to a point due north of the centre line of section two, in said township; thence south, by said line, to the south line of section fourteen, in said township; thence west, to the place of beginning: *Provided,* the said city shall not have power to declare and remove as a nuisance any building heretofore erected within so much of the limits thereof as is extended by the provisions of this act.

SEC. 2. That where any tract or tracts of land adjoining the said city, which has been or may hereafter be laid out into lots or blocks, for the purpose of sale, the same or such portions thereof as has been or may be so laid out, shall become and is hereby declared to form and constitute a part of said city, and shall be held and taken as within said city limits, for all purposes whatsoever.

SEC. 3. That the City Council shall have power to adopt by ordinance, a plan for all future additions to said city; and all additions thereafterward laid out shall conform to such plan; and that the said City Council shall have power to appoint a city surveyor and to prescribe to him such duties and regulations as they may deem proper; said surveyor shall lay out all additions to said city, and shall possess the same powers to make surveys and plats thereof as is or may be conferred by law upon county surveyors; and any plat or addition laid out contrary to the provisions of this act or the plan which may be adopted by said City Coucil, shall be void.

SEC. 4. That said city corporation shall have power to subscribe to the capital stock of any railroad company in this state the sum of one hundred thousand dol-

lars, in addition to the amount already subscribed, whenever a majority of the legal voters thereof shall declare in favor of such subscription; which may be made in the manner provided for in the act to which this is an amendment; and said subscription, when made, shall have the same effect, and the bonds of the said city to be issued thereon in the same manner; and the said City Council shall make such provision for the payment thereof and proceed in all other respects in relation thereto conformable to the provisions of the said act above referred to.

APPROVED February 7, 1857.

CHARTER OF THE CITY OF WARSAW.

AN ACT to reduce the act incorporating the city of Warsaw, and the several acts amendatory thereof, into one act, and to amend the same.

ARTICLE I. Boundaries, General Powers, and Formation of Wards.
" II. Officers—their Election and Appointment.
" III. Elections.
" IV. Powers and Duties of Officers.
" V. Of the Legislative Powers of the City Council—its General Powers and Duties.
" VI. Of Assessments for Opening Streets and Alleys.
" VII. Public Improvements and Assessments therefor.
" VIII. Collection of Taxes and Assessments.
" IX. Board of Health.
" X. Fire Department.
" XI. Schools and School Fund.
" XII. Miscellaneous Provisions.

ARTICLE I.

BOUNDARIES, GENERAL POWERS, AND FORMATION OF WARDS.

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the district of country in the county of Hancock, and state of Illinois, contained within the present incorporate limits of the city of Warsaw, to wit: Commencing at a point in the middle of the main channel of the Mississippi river, due west of the south line of section seventeen, in township four north, range nine west of the fourth principal meridian, and run up the stream with the middle of said main channel, to a point due north of the centre line in section two in said township, thence south, by said line, to the south line of section fourteen in said township, thence west to the place of beginning, with such other additions of land as may be incorporated with, and come under the jurisdiction of said city, is hereby erected into a city, by the name of "The City of Warsaw."

Sec. 2. The inhabitants of said city shall be a corporation by the name of the City of Warsaw, and by that name shall have perpetual succession, sue and be sued, and complain and defend in any court; may make and use a common seal, and alter and change it at pleasure; may take, hold and purchase such real, personal or mixed estate as the purposes of the corporation may require, within or

without the limits of the city, and may sell, lease or dispose of the same for the benefit of the city.

Sec. 3. The city of Warsaw shall be divided into three wards, the boundaries of which shall be fixed by the City Council, and shall be by the City Council changed from time to time as they shall see fit, having regard to the number of free white male inhabitants, so that each ward shall contain, as near as may be, the same number of white male inhabitants. The City Council may create additional wards, as occasion may require, and fix the boundaries thereof.

ARTICLE II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

Section 1. The municipal government of the city shall consist of a City Council, to be composed of a Mayor, and two Aldermen from each ward, who shall be elected by the qualified voters of said city. The other officers of the corporation shall be as follows: a City Clerk, a City Marshal, a City Treasurer, a City Attorney, a City Assessor, a City Collector, a City Surveyor and Engineer, and a City Supervisor, who, in addition to the duties prescribed in this act, shall perform such other duties as may be prescribed by ordinance.

Sec. 2. All officers elected or appointed under this act, except aldermen, and except herein otherwise specially provided, shall hold their offices for one year, and until the election or appointment and quatification of their successors respectively. All officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the City Council, by ballot, on the third Monday of April in each year, or as soon thereafter as may be; but the City Council may specially authorize the appointment of watchmen and policemen by the Mayor, to continue in office during the pleasure of the City Council: *Provided*, the Mayor or Marshal may be authorized to remove them from office for good cause. All officers elected or appointed to fill vacancies shall hold for the unexpired term only, and until the election or appointment and qualification of their successors.

Sec. 3. The several wards of the city shall be represented in the City Council by two Aldermen from each ward, who shall be *bona fide* residents thereof, and hold their offices for two years from and after their election, and until the election and qualification of their successors. They shall be divided into two classes, consisting of one Alderman from each ward, so that one from each ward shall be annually elected. At the first meeting of the City Council after the annual election in April next, the Aldermen shall be divided into two classes by lot. The term of office of those of the first class shall expire in one year; of those of the second class in two years: *Provided*, that the present Aldermen of the city whose term of office do expire at that time shall be placed in the first class, and no election shall be held to supply their places. At the annual election in April, 1859, there shall be elected in the first, second and third wards, by the qualified voters in each of said wards respectively, one Alderman in each ward, and thereafter annually one Alderman shall be so elected in each of the wards of the city, to represent such ward in the City Council.

Sec. 4. If from any cause there shall not be a quorum of Aldermen remaining

in office, the clerk shall appoint the time and place of holding a special election to supply such vacancies, and to appoint judges thereof, if necessary. If any Alderman shall remove from the ward represented by him, his office shall thereby become vacant. If for any cause the officers herein named shall not be appointed on the third Monday in April in each year, the City Council may adjourn from time to time, until such appointments are made. If there should be a failure by the people to elect any officers herein required to be elected, the City Council may forthwith order a new election.

SEC. 5. Any officer elected or appointed to any office may be removed from such office by a vote of two-thirds of all the Aldermen authorized by law to be elected. But no officer shall be removed except for good cause, nor unless first furnished with the charges against him, and heard in his defence: and the City Council shall have power to compel the attendance of witnesses, and the production of papers, when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case. And if such officer shall neglect to appear, and answer to such charges, then the City Council may declare the office vacant: *Provided*, this section shall not be deemed to apply to any officer appointed by the City Council; such officer may be removed at any time by a vote of two-thirds, as aforesaid, in their discretion; but any officer may be superseded until a disposition of the charges, when preferred.

SEC. 6. Whenever any vacancy shall occur in the office of Mayor or Alderman, such vacancy shall be filled by a new election, and the City Council shall order such special election within ten days after the happening of such vacancy. Any vacancy occurring in any other office may be filled by appointment of the City Council; but no special election shall be held to fill vacancies, if more than nine months of the time expired.

SEC. 7. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created under this act; but no person shall be eligible to any office under this or any other act in relation to said city, who is now, or hereafter be, a defaulter to said city, or to the state of Illinois, or to any other city or county thereof. And any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money which may have come into his possession. And if any person holding any such office or place within this city shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

SEC. 8. When two or more candidates for any office shall have an equal number of votes for such, the election shall be determined by the casting of lots, in the presence of the City Council.

ARTICLE III.

ELECTIONS.

SECTION 1. A general election of all the officers of the corporation required to be elected by this act, or any ordinance of the city, shall be held in each of the wards of the city on the first Tuesday of April, in each year, at such places as

the City Council may appoint, and of which six days previous notice shall be given, by written or printed notices in three public places in each ward, or by publication in the newspaper publishing the ordinances of the city, by the City Clerk.

SEC. 2. The manner of conducting and voting at the elections held under this act, and conducting the same, the keeping the poll-lists, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now, or may hereafter be provided by law at general state elections: *Provided*, the City Council shall have power to regulate the elections, and the appointment of the judges thereof. The voting shall be by ballot, and the judges of election shall take the same oath, and shall have the same powers and authority as the judges of the general elections. After the closing of the polls, the ballots shall be counted in the manner provided by law, and the returns shall be returned, sealed, to the City Clerk within three days after the election; and thereupon the City Council shall meet and canvass the same, and declare the result of the election. The persons having the highest number of votes for any office shall be declared elected. It shall be declared the duty of the City Clerk to notify all persons elected or appointed to office, of their election or appointment, and unless such persons shall qualify within twenty days thereafter, the office shall become vacant.

SEC. 3. No person shall be entitled to vote at any election under this act, who is not entitled to vote at state elections, and has not been a resident of said city at least one month next preceding said election. He shall have been, moreover, an actual resident of the ward in which he proposes to vote for five days previous to such election, and if required by any judge or qualified voter, shall take the following oath before he is permitted to vote: "I swear (or affirm) that I am of the age of twenty-one years; that I am a citizen of the United States (or was a resident of this State at the time of the adoption of the constitution), and have been a resident of this State one year, and a resident of this city one month immediately preceding this election, and am now, and have been for the last five days past, a resident of this ward, and have not voted at this election." *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge.

SEC. 4. No election shall be held in any grog-shop, or other place where intoxicating liquors are vended by retail.

SEC. 5. The persons entitled to vote at any elections held under this act, shall not be arrested on civil process within said city upon the day on which said election is held; and all persons illegally voting at any election held under this act or the ordinances of the city in pursuance thereof, shall be punishable according to the laws of the State.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person chosen or appointed to an exective, judicial or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the City Clerk.

SEC. 2. The Mayor shall, before he enters upon the discharge of his office, in addition to the usual oath, swear or affirm "That he will devote so much of his time to the duties of his office as an efficient and the faithful discharge thereof may require." He shall preside over the meetings of the City Council, and shall take care that the laws of this State and the ordinances of this city are duly enforced, respected and observed within the city, and that all other officers of the city discharge their respective duties; and he shall cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, give the City Council such information and recommend such measures as he may deem advantageous to the city.

SEC. 3. He is hereby authorized to call on any and all white male inhabitants of the city or county over the age of eighteen years, to aid in the enforcing the laws of the State or the ordinances of the city, and in case of riot to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance. And any person who shall not obey such call, shall forfeit to said city a fine of not less than five dollars.

SEC. 4. He shall have power, whenever he may deem it necessary, to require of any of the officers of the city an exhibit of all his books and papers, and he shall have power to execute all acts that may be required of him by this act, or any ordinance made in pursuance thereof.

SEC. 5. He shall be liable to indictment in the circuit court of Hancock county for palpable omission of duty, willful oppression, malconduct or partiality in the discharge of the duties of his office, and upon conviction, shall be subject to a fine not exceeding one hundred dollars, and the court shall have power, upon recommendation of the jury, to add, as part of the judgment, that he be removed from office.

SEC. 6. He shall have such salary as may be fixed by ordinance, not exceeding six hundred dollars per annum.

SEC. 7. All ordinances and resolutions shall, before they take effect, be placed in the office of the City Clerk, and if the Mayor approve thereof, he shall sign the same; and such as he shall not approve, he shall return to the City Council, with his objections thereto. Upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the members elected to the City Council shall agree, by the "ayes and noes," which shall be entered upon the journals, to pass the same, it shall go into effect; and if the Mayor shall neglect to approve or object to any such proceeding for a longer period than three days after the same shall be placed in the clerk's office as aforesaid, the same shall go into effect. He shall, ex-officio, have power to administer any oath required to be taken by this act, or any law of the State; to take depositions, the acknowledgment of deeds, mortgages, and all other instruments of writing, and certify the same, under the seal of the city, which shall be good and valid in law.

SEC. 8. In case of vacancy in the office of Mayor, or of his being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the City Council shall appoint one of its members, by ballot, to preside over their meetings, whose official designation shall be "Acting Mayor;" and the Alderman so appointed shall be vested with all the powers and perform all the duties of Mayor, and until the Mayor shall resume his office, or the vacancy shall be filled by a new election.

SEC. 9. The Clerk shall keep the corporate seal, and all books and papers belonging to the city. He shall attend all meetings of the City Council, and keep a full record of their proceedings on the journals; and copies of all papers duly filed in his office; and transcripts from the journals of the proceedings of the City Council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book provided for that purpose. He shall also keep an accurate account of all receipts and expenditures, in such manner as the City Council shall direct; and he shall have power to administer any oath required to be taken by this act.

SEC. 10. It shall be the duty of the City Attorney to perform all professional services incident to his office, and when required, to furnish written opinions upon questions and subjects submitted to him by the Mayor, or City Council or its committees: *Provided, however,* that the offices of City Clerk and City Attorney may be vested in the same person.

SEC. 11. The City Treasurer shall receive all moneys belonging to the city, and shall keep an accurate account of all receipts and expenditures, in such manner as the City Council shall direct. All moneys shall be drawn from the treasury in pursuance of an order of the City Council, by a treasury warrant, signed by the Mayor or the presiding officer of the City Council, and countersigned by the Clerk. Such warrant shall specify for what purpose the amount therein named is to be paid. The Treasurer shall exhibit to the City Council at least twenty days before the annual election of each year, and oftener if required, a full and detailed account of all receipts and expenditures since the date of the last annual report, and also the state of the treasury: which account shall be filed in the office of the Clerk.

SEC. 12. The City Marshal shall perform such duties as shall be prescribed by the City Council, for the preservation of the public peace, the collection of license money, fines, or otherwise. He shall possess the powers and authority of a constable, at common law, and under the statutes of this State, and receive like fees: but shall not serve civil process without first entering into bond as such constable, to be approved by the Supervisor of the town, as in other cases. He shall execute and return all process issued by any proper offier under this act, or any ordinance in pursuance thereof.

SEC. 13. The City Engineer or Surveyor shall have the sole power, under the direction and control of the City Council, to survey within the city limits; and he shall be governed by such rules and ordinances, and receive such fees and emoluments for his services as the City Council shall direct and prescribe. He shall possess the same powers in making plats and surveys within the city, as is given by law to county surveyors; and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are or may be given by law to the acts, plats or surveys of the county surveyor. He shall, when required, superintend the construction of all public works ordered by the city, make out the plans and estimates thereof, and contract for the execution of the same. He shall perform all surveying and engineering ordered by the City Council, and shall, under their direction, establish the grades and boundaries of streets and alleys; but such plans, estimates, contracts, grades and boundaries, shall be first reported to the City Council, and approved of by them, or they shall not be valid.

SEC. 14. The Supervisor shall superintend all local improvements in the city, and carry into effect all orders of the City Council in relation thereto. It shall also be his duty to superintend and supervise the opening of streets and alleys, and the grading, improving and repairing thereof, and the constructing and repairing of bridges, culverts and sewers; to order the laying, relaying and reparing of sidewalks; to give notice to the owners of property adjoining such sidewalks when required, and upon the failure of any person to comply with such notice, to cause the same to be laid, relaid or repaired, and apportion the cost thereof among the persons or lots properly chargeable therewith, and deliver the account thereof to the City Clerk, to be laid before the City Council; to make plans and estimates of any work ordered in relation to streets and alleys, bridges, culverts or sewers; to keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his office, and of all disbursements thereof, specifying to whom made, and on what account; and he shall render monthly accounts therof to the City Council.

SEC. 15. The City Council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers elected or appointed to any office under this act, whose duties are not herein specifically mentioned, and fix their compensation. They may also require all officers severally, before they enter upon the duties of their respective offices, to execute a bond to the city of Warsaw, in such sum and with such securities as they may approve, conditioned that they shall faithfully execute the duties of their respective officers, and account for and pay over and deliver all moneys and other property received by them, which bond, with the approval of the City Council certified thereon by the Clerk, shall be filed in his office.

SEC. 16. If any person having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all the property, books, papers and effects of every description in his possession, belonging to said city, or appertaining to his said office, he shall forfeit and pay for the use of the city fifty dollars, besides all damages caused by his refusal or neglect so to deliver. And such successor may recover possession of the books, papers and effects belonging to his office, in the manner prescribed by the laws of the State.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL — ITS GENERAL POWERS AND DUTIES.

SECTION 1. The Mayor and Aldermen shall constitute the City Council of the city. The City Council shall meet at such time and place as they shall by resolution direct. The Mayor, when present, shall preside at all meetings of the City Council, and shall have only a casting vote: in his absence any one of the Aldermen may be appointed to preside. A majority of the persons elected Aldermen shall constitute a quorum.

SEC. 2. No member of the City Council shall, during the period for which he is elected, be appointed to, or be competent to hold any office of which the emolu-

ments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the City Council, or be directly or indirectly interested in any contract, the expense or consideration whereof is to be paid under any ordinance of the City Council, or be allowed to vote in any matter in which he is directly interested, personally or pecuniarily interested, or become security for any city office.

SEC. 3. The City Council shall hold twelve stated meetings, one in each month during the year; and the Mayor, or any two Aldermen, may call special meetings, by notice to each of the members of the Council, served personally or left at their usual place of abode. Petitions and remonstrances may be presented to the City Council, and they shall determine the rule of their own proceedings, and be the judges or the election and qualification of their own members, and shall have power to compel the attendance of absent members.

SEC. 4. The City Council shall have the control of the finances, and of all the property, real and personal and mixed, belonging to the corporation, and shall likewise have power within the jurisdiction of the city by ordinance:

First—To borrow money on the credit of the city, and issue the bonds of the city therefor: but no sum of money shall be borrowed at a higher rate of interest than the rate allowed by law, nor shall a greater sum or sums be borrowed, or at any time outstanding, the interest upon the aggregate of which shall exceed one half of the city revenue, arising from the ordinary taxes on the real estate within the city for the year immediately preceding. The appropriations of the City Council for payment of interest, for improvements, and for city expenses, during any one fiscal year, shall not exceed the amount of the whole ordinary revenue of the city for the fiscal year immediately preceding; but the City Council may apply any surplus money in the treasury to the extinguishment of the city debt, or to the creation of a sinking fund, for that purpose, or to the carrying on the public works of the city, or to the contingent fund for the contingent expenses of the city.

Second—To appropriate money, and to provide for the payment of the debts and expenses of the city.

Third—To make regulations to prevent the introduction of contagious diseases into the city. To make quarantine laws for that purpose, and to enforce them within the city, and within five miles thereof.

Fourth—To make regulations to secure the general health and comfort of the inhabitants; to prevent, abate and remove nuisances, and to punish authors thereof, by penalties, fine and imprisonment; to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Fifth—To provide the city with water; to make, regulate and establish public wells, pumps and cisterns, hydrants and reservoirs in the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants; and to prevent the unnecessary waste of water.

Sixth—To have the exclusive control and power over the streets, alleys and highways of the city, and to abate and remove any encroachments or obstructions thereon; to open, alter, abolish, widen, extend, straighten, establish, regulate, grade, clean or otherwise improve the same; to put drains and sewers therein, and prevent the encumbering thereof in any manner, and protect the same from any encroachment or injury.

Seventh—To establish, erect, construct, regulate and keep in repair bridges, culverts and sewers, sidewalks and cross-ways, and regulate the construction and use

of the same, and to abate any obstructions or encroachments thereof; to establish, alter, change and straighten the channels of water courses and natural drains; to sewer the same, or wall them up and cover them over; and to prevent, regulate and control the filling up, altering or changing the channels thereof, by private persons.

Eighth—To provide for lighting the streets and erecting lamp-posts and lamps therein, and to regulate the lighting thereof, and from time to time create, alter or extend lamp districts; to exclusively regulate, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys and sidewalks.

Ninth—To establish and erect markets and market houses, and other public buildings of the city, and provide for the government and regulation therof, and their erection and location; and to authorize their erection in the streets and avenues of the city, and for the continuation of such as are already erected within the same.

Tenth—To provide for the enclosing, regulating and improving all public grounds and cemeteries belonging to the city, and to direct the regulating and planting and preserving of ornamental and shade trees in the streets or public grounds.

Eleventh—To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

Twelfth—To prevent the incumbering of the streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever. To compel all persons to keep the snow, ice, dirt and other rubbish from the sidewalk and street gutters in front of the premises occupied by them.

Thirteenth—To license, tax and regulate merchants, commission merchants, innkeepers, pawn-brokers, money-brokers, insurance-brokers and auctioneers; and to impose duties upon the sale of goods at auction. To license, tax, regulate and suppress and prohibit hawkers, peddlers, pawn-brokers, grocery-keepers, and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.

Fourteenth—To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, porters, and all others pursuing like occupations, with or without vehicles, and prescribe their compensation; and to regulate and restrain runners for stages, cars, and public houses.

Fifteenth—To license, tax, regulate, prohibit and suppress billiard tables, pin alleys and ball alleys. To suppress and restrain disorderly houses, tippling shops and groceries, bawdy houses, gaming and gambling houses, lotteries, and all fraudulent devices and practices, and all playing of cards, dice, and other games of chance, with or without betting, and to authorize the destruction of all instruments and devices used for the purposes of gaming.

Sixteenth—To authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof, and the fees and charges to be paid therefor. No license shall be granted for more than one year, and not less than three dollars nor more than five hundred dollars shall be charged for any license under this act; and the fees for issuing the same shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent or vinous, fermented or malt, at retail by grocery keepers or others, shall be issued for less than fifty dollars.

Seventeenth—To regulate, restrain and prohibit the selling or giving away of any intoxicating or malt liquors, by any person within the city, except by persons duly

licensed. To forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice, or servant, without the consent of the parent, guardian, master or mistress.

Eighteenth—To restrain, prevent and punish forestalling and regrating; to regulate the inspection and vending of fresh meats, poultry and vegetables, butter, lard and other provisions, and the place and manner of selling fish, and inspecting the same.

Nineteenth—To regulate, license and prohibit butchers, and to revoke their license for malconduct in the course of trade.

Twentieth—To establish standard weights and measures, and regulate the weights and measures to be used within the city, in all cases not otherwise provided by law. To require all traders or dealers in merchandise or property of any description, which is sold by measure, which is sold by weight or measure, to cause their measures and weights to be tested and sealed by the city sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those established by law or ordinance.

Twenty-first—To regulate and provide for the inspecting and measuring of lumber, shingles, timber, posts, staves, heading, and all kinds of building materials, and for the measuring of all kinds of mechanical work, and to appoint one or more inspectors or measurers.

Twenty-second—To provide for the inspection and weighing of hay, lime and stone coal, and the place and manner of selling the same. To regulate the measurement of firewood, charcoal and other fuel to be sold or used within the city, and the place and manner of selling the same.

Twenty-third—To regulate the inspection of beef, pork, flour, meal and other provisions, salt, whisky and other liquors to be sold in barrels, hogsheads and other vessels or packages. To appoint weighers, guagers and inspectors, and prescribe their duties and regulate their fees: *Provided*, that nothing herein shall be so construed as to require the inspection of any articles enumerated herein, which are to be shipped beyond the limits of this State, except at the request of the owner thereof, or his agent.

Twenty-fourth—To regulate the weight and quality of bread to be sold or used within the city.

Twenty-fifth—To regulate the size and quality of bricks to be sold within the city, and the inspection thereof.

Twenty-sixth—To create, regulate and establish the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers.

Twenty-seventh—To prevent and suppress any riot, rout, affray, noise, disturbance or disorderly assemblage in any public or private place within the city.

Twenty-eighth—To prohibit, prevent and suppress horse-racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in the streets.

Twenty-ninth—To restrain and punish vagrants, mendicants, street beggsrs and prostitutes.

Thirtieth—To regulate, restrain or prohibit the running at large of horses or cattle, swine, sheep, goats and geese; and to authorize the distraining, impounding and sale of the same, for the costs of the proceedings and the penalty incurred;

and to impose penalties on the owners thereof, for a violation of any ordinance in relation thereto. To regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

Thirty-first—To prohibit and restrain the rolling of hoops, flying of kites, or any other amusements or practices tending to annoy persons passing on the streets or sidewalks, or to frighen horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, practices and performances tending to the collecting of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement, or otherwise.

Thirty-second—To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient.

Thirty-third—To do all acts, and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease.

Thirty-fourth—To compel the owner or occupant of any grocery, cellar, soap or tallow chandlery, or blacksmith shop, tannery, stable, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, as may be necessary for the health, comfort and convenience of the inhabitants.

Thirty-fifth—To direct the location and regulate the management of breweries, tanneries, blacksmith shops, foundries, livery stables, and packing houses. To direct the location and regulate the management and construction of, and restrain, abate and prohibit within the city, and to the distance of one mile from the limits thereof, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive or unwholesome business may be carried on.

Thirty-sixth—To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons, and others, for any default in the premises.

Thirty-seventh—To provide for the taking and enumeration of the inhabitants of the city.

Thirty-eighth—To erect and establish a work-house or house of correction; make all necessary regulations therefor, and appoint all necessary keepers and assistants. In such work-house or house of correction may be confined all vagrants, stragglers, idlers, and disorderly persons, who may be committed thereto by any proper officer, and all persons sentenced by any criminal court or magistrate in and for the city, or for the county of Hancock, for any assault and battery, petit larceny, or other misdemeanor, punishable by imprisonment in any county jail. And any person who shall fail or neglect to pay any fine, penalty or cost imposed by any ordinance of the city, for any misdemeanor, or breach of any ordinance of the city, may instead of being committed to the county jail of Hancock county to be kept therein subject to labor and confinement.

Thirty-ninth—To authorize and direct the taking up, and provide for the safe keeping, and education for such period of time as may be deemed expedient of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, idleness and vice.

Fortieth—To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, lots, yards, cellars, private drains, sinks and privies; direct and regulate their con-

struction, and cause the expenses thereof to be assessed and collected in the same manner as sidewalk assessments.

Forty-first—To direct and control the laying and construction of railroad tracks, bridges, turn-outs and switches, in the streets and alleys, and the location of depot grounds within the city. To require that railroad tracks, bridges, turn-outs and switches shall be so constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets and alleys; and that sufficient space shall be left on either side of said tracks for the safe and convenient passage of teams and persons. To require railroad companies to keep in repair the streets through which their track may run, and to construct and keep in repair suitable crossings at the intersections of streets and alleys, and ditches, sewers and culverts, when the City Council shall deem necessary. To direct and prohibit the use and regulate the speed of locomotive engines within the inhabited portions of the city. To prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage.

Forty-second—The City Council shall have power to pass, publish, amend and repeal all ordinances, rules and police registrations not contrary to the constitution of the United States or of this State, for the good government, peace and order of the city, and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or any department or officer thereof, to enforce the observance of all such rules, ordinances and police regulations, and to punish violations thereof by fines, penalties and imprisonment in the county jail, city prison or work-house, or both, in the discretion of the court or magistrate before whom conviction may be had. But no fine or penalty shall exceed five hundred dollars, nor the imprisonment six months, for any offence, and such fine or penalty may be recovered, with costs, in an action of debt in the name of, or for the use of the city, before any court having jurisdiction, and punishment inflicted. And any person upon whom any fine or penalty is imposed shall stand committed until the payment of the same and costs, and in default thereof may be imprisoned in the county jail, city prison or work-house, or required to labor on the streets or other public works of the city, for such time and in such manner as may be provided by ordinance.

ARTICLE VI.

OF ASSESSMENTS FOR OPENING STEETS AND ALLEYS.

SECTION 1. The City Council shall have power to open and lay out public grounds or squares, streets, alleys and highways, and to alter, widen, contract, straighten and discontinue the same: but no street, alley, or highway, or part thereof, shall be discontinued or contracted, without the consent, in writing, of all persons owning lands or lots adjoining said street, alley or highway. They shall cause all alleys, streets, streets, alleys and highways or public squares or grounds laid out by them to be surveyed, described and recorded in a book to be kept by the Clerk, showing accurately and particularly the proposed improvements, and the real estate required to be taken; and the same when opened and made shall be public highways and public squares.

SEC. 2. Whenever any street, alley or highway, public ground or square, is proposed to be laid out, opened, altered, widened or straightened, by virtue thereof, and the amount of compensation can not be agreed upon, the City Council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner thereof, by publishing said notice for ten days in the newspaper publishing the ordinances of the city; at the expiration of which time they shall choose by ballot three disinterested freeholders, residing in the city, as commissioners to ascertain and assess the damages and recompense due the owners of said real estate respectively; and at the same time to determine what persons will be benefited by such improvement, and assess the damages and expenses thereof on the real estate to be benefited thereby, in proportion as nearly as may be to the benefits resulting to each. A majority of all the Aldermen authorized by law to be elected shall be necessaay to a choice of such commissioners.

SEC. 3. The commissioners shall be sworn faithfully and impartially to execute their duties to the best of their abilities; before entering upon their duties they shall give at least five days notice to all persons interested, of the time and place of their meeting for the purpose of viewing the premises and making their assessments—which notice shall be given personally, if the owners are residents, and known, or by publication in the newspaper publishing the ordinances of the city, if nonresidents or unknown; they shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

SEC. 4. If there should be any building standing in whole or in part upon the land to be taken, the commissioners, before making their assessment, shall first estimate and determine the whole value of such buildings to the owner, aside from the value of the land, and the actual injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

SEC. 5. At least five days notice shall be given to the owner of such determination, when known and a resident of the city, which may be given personally or in writing left at his usual place of abode. If a nonresident or unknown, a like notice to all persons shall be given in the newspaper publishing the ordinances of the city. Such notice shall specify the buildings, and the award of the commissioners, and shall be signed by them. It shall also require the persons interested to appear by a day to be named therein, or give notice of their election to the City Council, either to accept the award of the commissioners, and allow such building to be taken, with the land condemned or appropriated, or of their intention to receive such building, at the value set thereon by the commissioners, to remove. If the owner shall agree to remove such building, he shall have such reasonable time for that purpose as the City Council may direct.

SEC. 6. If the owner refuses to take the building at its appraised value to remove, or fails to give notice of his intention as aforesaid, within the time prescribed, the City Council shall have power to direct the sale of such building at public auction, for cash, or on a credit, giving five days public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

SEC. 7. The commissioners shall thereupon proceed to make their assessment, and determine and appraise to the owner the value of the real estate appropriated, and the injury arising from the condemnation thereof, which shall be awarded to such owner as damages, after making due allowance therefrom for any benefit which such owner may derive from such improvement. In the estimate of damage o the land, the commissioners shall include the value of the buildings (if the

property of the owner of the land) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building.

SEC. 8. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the commissioners shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectible of or paid to them.

SEC. 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons respectively may be awarded to them by the commissioners, less the benefit resulting to them respectively from the improvements.

SEC. 10. Having ascertained the damages and expenses of such improvements, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate deemed by them benefited, in proportion to the benefit resulting from the improvements as nearly as may be, and shall describe the real estate upon which their assessments may be made. When completed, the commissioners shall sign and return the same to the City Council, within thirty days of their assessment.

SEC. 11. The Clerk shall give ten days notice, by publication in the newspaper publishing the ordinances of the city, that such assessment has been returned, and on a day, to be specified therein, will be confirmed by the City Council, unless objections to the same are made by some person interested. Objections may be heard before the City Council, and the hearing may be adjourned from day to day. The Council shall have power, in their discretion, to confirm or annul the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void; if confirmed, an order of confirmation shall be entered directing a warrant to issue for the collection thereof; if referred back to the same or other commissioners, they shall proceed to make their assessment, and return the same in like manner, and give like notices as herein required in relation to the first; and all parties in interest shall have the like notice and rights, and the City Council shall perform like duties, and have like power, in relation to any subsequent determination, as are herein given in relation to the first.

SEC. 12. The City Council shall have power to remove commissioners, and from time to time appoint others in place of such as may be removed, or refuse, neglect, or are unable, from any cause, to serve.

SEC. 13. The land required to be taken for the making, opening, widening, straightening or altering any street, alley or other highway, or public ground or square, shall not be appropriated until the damages therefor, awarded to any owner thereof, under this act, shall be paid or tendered to such owner or his agent; or in case such owner or his agent can not be found within the city, deposited to his or their credit, in some safe place of deposit, other than the hands of the Treasurer; and then, and not before, such lands may be taken and appropriated for the purpose required in making such improvements; and such streets, alleys or other highways, or public grounds, may be made and opened.

SEC. 14. When the whole of lot or parcel of land, or other premises under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue

of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall, upon the confirmation of the report of the commissioners, respectively cease, and be absolutely discharged.

SEC. 15. When part only of any lot, parcel of land, or other premises so under lease or contract, shall be taken for any of the purposes aforesaid by virtue of this act, all the covenants, contracts, arguments and agreements respecting the same upon the confirmation of the report of the commissioners, shall be absolutely discharged as to that part thereof so taken, but shall remain valid as to the residue thereof and the rent, consideration and payments reserved payable and to be paid for, or in respect to the same shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recovered, in any respect, of the same.

SEC. 16. Any person interested may appeal from any final order of the City Council for opening, altering, widening or straightening any street, alley or other highway or public ground, to the Circuit Court of Hancock county, by notice in writing to the Mayor, at any time before the expiration of twenty days after the passage of said final order. In case of appeal, the City Council shall make a return within thirty days after notice thereof, and the Court shall, at the next term after return filed in the office of the clerk thereof, hear and determine such appeal, and confirm or annul the proceedings, from which judgment no appeal or writ of error shall lie. Upon the trial of the appeal, all questions involved in said proceedings, including the amount of damages, shall be open to investigation by affidavit or oral testimony adduced to the Court; or upon application of the City or any party, the amount of damages may be assessed by a jury in said Court, without formal pleadings, and judgment rendered accordingly, and the burthen of the proof shall in all cases be upon the City, to show that the proceedings are in conformity with this act.

SEC. 17. In all cases where there is no agreement to the contrary, the owner or landlord, and not the tenant or occupant, shall be deemed the person who shall and ought to pay and bear every assessment made for the expense of any public improvement. When any such assessment shall be made upon or paid by any person when by agreement or by law, the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the persons bound to pay the same, the amount so paid with interest. Nothing herein contained shall in any way impair or affect any agreement between landlord and tenant, or other person respecting the payment of such assessment.

SEC. 18. The City Council may by ordinance make any changes they may deem advisable in the proceedings herein prescribed for ascertaining the damages and injury occasioned to any person or real estate, by reason of the condemnation of such real estate, or any real estate upon which any buildings may be situated, in whole or in part, and the assessment of such damages and injury upon persons or real estate benefitted by the improvement, and in all such other respects as experience may suggest.

SEC. 19. When any known owner or other person, having an interest in any real estate, residing in the city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the Judge of the Circuit Court of Hancock county, the County Judge of said county, or any Judge of the Supreme Court may, upon the application of the City Council, or such infant, or his next friend, appoint a

guardian for such infant, taking security from such guardian for the faithful execution of such trust; and all notices and summonses required by this act, shall be served on such guardian.

ARTICLE VII.

PUBLIC IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SEC. 1. The City Council shall have power from time to time, to cause any street, alley, avenue or other highway, to be graded, regraded, leveled, paved or planked, and keep the same in repair, and alter and change the same.

Second. To cause side and cross walks, main drains and sewers, and private drains to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

Third. To grade, improve, protect and ornament any public square or other public ground, now or hereafter laid out.

Fourth. The City Council shall have power to grade, gutter, macadamise or pave any street, lane avenue, alley or other highway, within the limits of said city, and to charge not more than one-half the expense thereof to the owners or holders of lots or real estate, in front of which any such grading, guttering or macadamizing may be done by said city. And whenever the City Council desire to charge the owners or holders of lots or real estate fronting on, or adjoining any street, lane, avenue, alley, or other highway, with any part of the expense of grading, guttering, paving and macadamizing such street, lane, avenue alley, or other highway in front of or adjoining said property, they shall ascertain from the report of the street supervisor or otherwise, the cost of guttering, grading, paving or macadamizing any such street, lane, avenue, alley or other highway in front of or adjoining any such lot or real estate, and when the same is ascertained, they may by order, resolution or otherwise, charge an amount not exceeding one half of the cost of the same to the lot or real estate, and the owner or owners or holders of any such lot or lots or real estate respectively, and may collect the amount so charged of the owners or holder of the same, by suit in the corporate name of the City as for money paid and laid out for his use, at his request, in any Court of competent jurisdiction. And the City Council may by order, resolution or otherwise, also levy an annual tax on any lot or lots and real estate in front of which any such guttering, paving, grading or macadamizing may be done respectively, not exceeding five per cent. per annum on the assessed value of such lot or lots or real estate, until the estimated amount of the expense of such grading, guttering, paving and macadamizing so charged to any such lot or lots, or real estate respectivey is all paid and collected, or such proportion thereof as the said City Council shall require said lot or real estate owners to pay, not to exceed one half of the cost of guttering, paving, grading and Macadamising of any such street, lane, avenue or alley in front of, or adjoining to the same.

SEC. 2. That for the purpose of establishing a system of sewerage and drainage, the City Council may have power to cause the city to be laid off in districts to be drained by principal and lateral or tributary sewers or drains, having reference to a general plan of drainage by sewers and drains for the whole city, and number and record the same.

SEC. 3. That whenever a majority in number of the owners of real estate within any district, shall petition the City Council for the construction of such drains or sewers, in such district, the City Council shall have power to levy and collect a special tax on the real estate within the district so drained, not to exceed ten mills to the dollar per annum, on the assessed value thereof, for the purpose of constructing such sewers and drains, which tax shall be annually levied and collected as other city taxes by law, and shall constitute a lien on the real estate in the district in which it is assessed, and the City Council shall have power to provide for the construction and letting of such sewers and drains, or such parts thereof as they shall deem necessary; and may, from time to time, extend, enlarge, or alter the same, upon such terms and conditions as they shall deem necessary, and the City Council shall have power to borrow money for the construction of such sewers and drains, payable in principal and interest from the special tax collected in such districts; or the City Council may apportion the estimated cost of such drains and sewers, and collect the same by a series of annual assessments. But no ordinance creating such debt, special tax or apportionment shall be repealed or altered until the debt created thereby shall have been paid.

SEC. 4. In all cases where expenses may be incurred in the removal of any nuisance, the City Council may cause the same to be assessed against the real estate chargeable therewith, in the same manner prescribed in the next section. Such expenses may be likewise collected of the owner or occupant of such premises in a suit for money expended to his or their use, and in case the same should not be chargeable to any real estate, suit may in like manner be brought for such expenses, against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

SEC. 5. The City Council shall have power to compel the owners of lots or ground, fronting or adjoining any private or public alley, to keep the same clean, and if necessary to direct the same to be paved, planked or otherwise, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

SEC. 6. All owners or occupants of lots or lands in front of, or adjoining, or upon whose premises the City Council shall order and direct sidewalks or private drains communicating with any main drain to be constructed, graded, repaired, relaid or cleansed, or shall declare any such land or lots to be nuisances, and order the same to be graded, filled up and drained, or otherwise improved, shall, make, grade, repair or relay such sidewalk, or make, repair or cleanse such private drain, or grade, fill up, drain or otherwise improve such lot or land, at their own cost and charges within the time and in the manner prescribed by the City Council, by order, resolution or otherwise; and if not done within the time and in the manner prescribed, the City Council may cause the same to be constructed, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expenses thereof, by an order to be entered in their proceedings, upon the lots and lands respectively, and collect the same as other taxes on real estate are collected in other cases. A suit may also be maintained against the owner or occupant of such premises, for the recovery of such expenses, as for money paid and laid out to his use at his request. *Provided, however,* that the City Clerk shall give notice of the time within, and the manner in which any such duty labor is required to be done or performed, by ordinance, order or resolution of the City Council, by publishing an advertisement in some newspaper printed in said City, and a copy of said ad-

vertisement, with a certificate of the publisher thereto attached shall be received as evidence in all courts of this State, of the fact of such notice being given.

SEC. 7. All taxes and assessments levied or assessed on any real estate under the provisions of this article, shall be extended and set down by the city Clerk in a separate column on the assessment list for the current year, opposite to such real estate, and shall be collected in all respects as other taxes in said assessment list, and in case any of said real estate is sold for taxes, the deeds to the purchaser of the same shall be made and acknowledged by the City Clerk, as in other cases of sales for taxes, and shall be evidence of the same facts as deeds made to purchasers of property for other taxes under the next article of this act, and shall have the same force in all respects. *Provided, however*, that if any taxes or assessments authorized to be levied or made by the provisions of this article, are not levied and made by the City Council, by the tenth day of August in each current year, then, and in that case, the Clerk shall extend the same on the assessment list for the next current year.

SEC. 8. All taxes and assessments levied under and by virtue of the provisions of this article shall be a lien upon the land or real estate upon which the same are levied, from and after the time the same are levied, until the same are collected and paid.

ARTICLE VIII.

COLLECTION OF TAXES AND ASSESSMENTS.

SECTION 1. The City Council shall have power to levy and collect annually, taxes not exceeding five mills to the dollar on the assessed value of all real and personal estate and property within the city of Warsaw, and all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, to defray the general and contingent expenses not herein otherwise provided for, and to pay the same annual interest on internal improvement bonds, heretofore issued, and which may be hereafter issued, under the provisions of this act, which taxes shall constitute the general fund.

SEC. 2. To annually levy and collect taxes on all property, both real and personal, within the limits of said city, subject to taxation, and all personal property of the inhabitants thereof, to pay the principal and interest which has accrued or which may hereafter accrue upon any bonds which may have been issued or which may hereafter be issued, by the said city as subscription to the capital stock of any railroad company, which tax shall be deemed a special tax, and payable in gold and silver only, and the City Council shall pass no ordinance or resolution incurring or creating a debt, without at the same time making provisions for the levying a tax sufficient to meet the payment of the interest accruing thereon when payable.

SEC. 3. The City Council in levying the tax for the general fund of said city, as provided in section first in this article, shall annually set apart a sufficient portion thereof to pay the interest which has accrued or may accrue, on any internal improvement bonds which have heretofore or may hereafter be issued by said city, and which portion of the general revenue, when so set apart, shall be deemed a special tax and payable in gold and silver only, and shall be carried out in a separate column in the list of the Collector, and by him collected for that purpose, and

shall not be subject to or by said City Council appropriated for any other purpose whatever, nor shall any other special tax, authorized to be levied by the provisions of this act, be subject to be used or appropriated by said City Council, or any of the officers thereof for any other purpose than the particular one for which the same was levied and collected, and any contract made with any person or persons, or body politic, in respect to any of the moneys arising from any special tax, authorized under this act, or any payments made for any indebtedness whatever, except for the purpose for which the same was so raised, shall be absolutely void; and the moneys so paid, used or loaned may be recovered back by suit in any court of competent jurisdiction, from the person or persons or body politic receiving the same by the holders of the interest coupons, whenever the same shall become due, or by any person or persons who would have been entitled to the same, or any part thereof if appropriated to the objects herein expressed, in such sum or sums as he or they may at the time be respectively entitled to receive out of said special tax or taxes.

SEC. 4. The City Council shall have the power to levy and collect annually, not exceeding two and one-half mills on each dollar of the assessed value of all real and personal property within the limits of said city subject to taxation, and on all personal property of the inhabitants thereof, to pay the principal and interest due or hereafter to become due, on all the bonds heretofore issued for the purpose of constructing a school house in said city, known as "School House Bonds," issued by virtue of an act entitled an act to amend an act to incorporate the City of Warsaw, approved February 7th, A. D., 1857, which said bonds are hereby declared legal and binding on said city until the same are all paid or otherwise discharged by the holders thereof, which said tax shall be deemed a special tax, and payable in gold and silver only.

SEC. 5. The City Council of said city shall have power annually to elect an assessor or assessors, and fix their compensation, and in case of death to elect another or others, and in case of their neglect or inability to perform his or their duties, to remove the same, and to elect another or others. And the Assessor or Assessors elected to fill the place of any Assessor or Assessors so removed, deceased or resigned, shall have the same power and perform the duties as required by the original Assessor or Assessors.

SEC. 6. The City Council shall have power annually to elect a Collector or Collectors, and in case of death, to elect another or others, and in case of neglect, resignation or inability to perform his or their duties, to remove the same, and elect another or others, and the Collector or Collectors elected to fill any vacancy, shall have the same power and perform the same duties required of the Collector, whose office was so made vacant.

SEC. 7. The City Council shall have power to exempt any species of property from taxation under this act, which is exempt from state tax under the laws of this state.

SEC. 8. The words "personal property" as used in this act, shall be held to mean all moneys, credits, investments in bonds, stocks, joint-stock companies, choses in action, and all other property other than real property, whether animate or inanimate, subject to ownership; and the words personal estate shall have the same meaning, when used in this act, as the words *personal property*.

SEC. 9. The term "oath" whenever used in this act, shall be held to mean oath or affirmation. Every word used in this act importing the masculine gender, may

extend and be applied to females as well as males. Every word in this act importing the singular number, may extend and be applied to the plural as well as the singular number. Whenever the words tracts, lots and blocks are mentioned in this act, it shall be held to apply as well to parts of tracts, parts of lots and parts of blocks, as to whole tracts, lots and blocks.

SEC. 10. The words real property, whenever used in this act, shall be held to mean real estate.

SEC. 11. The Assessor shall in each year make an assessment of the taxable property, according to his best judgment, of the value thereof, and shall make out a list of the same, showing the names of the owners, when they can be ascertained, a description of the property, whether real or personal, assessed to each, and the amount of his valuation of the same.

SEC. 12. The description shall be in numerical order, in case of real estate, so far as practicable: and in case the present owner of any real estate cannot be ascertained, the same shall be assessed in such numerical order as "unknown." But in case the present owner of any real estate is ascertained by listing or otherwise, and whenever any owner of real estate shall neglect or refuse to list the same, it shall be the duty of the Assessor to perform such listing in his or their names, then such real estate shall be assessed to the owner or owners thereof respectively. The Assessor shall subdivide lots by correct descriptions when the same are owned in parts by different individuals, and when he can ascertain such ownership and description with reasonable certainty, and shall assess to each, his part only. Persons residing in the City shall deliver to the Assessor a list of their property, both real and personal, on or before the first day of July in each year. The Assessor shall also, in cases where such list is not furnished or is not satisfactory, call upon each tax-payer when practicable, and request a list of his or her property subject to taxation by the city, and assess the same.

SEC. 13. The Assessor shall have power to examine any person under oath, touching the amount and value of the real and personal property which the person is required to list, and if any person shall swear falsely, he or she shall be deemed guilty of perjury, and liable for the same under the criminal law of the state, as in other cases of perjury, and in case of the refusal of any person to swear or affirm, the Assessor shall be governed in his assessment by the best information he can obtain, and his own judgment.

SEC. 14. The Assessor or Assessors, before entering upon the duties of his office, shall take and subscribe before some Justice of the peace, or Police Magistrate, an oath or affirmation as near as may be in the following form: "I, ———— ————, do solemnly swear, (or affirm as the case may be,) that I will faithfully, diligently and impartially perform all the duties required of me by law as Assessor of the City of Warsaw, and especially that I will value and assess for taxation, to the several owners thereof, as far as the same can be ascertained, all property, real and personal which is subject to taxation in said ———— according to my best judgment, at its true value, in accordance with the provisions of the Constitution of the State of Illinois."

SEC. 15. The Assessor shall make the assessment hereinbefore provided for, between the first day of May and the first day of August in each year, and shall on or before the last named day, return a complete assessment list into the office of the City Clerk, there to remain for public inspection for the period of fourteen days, during which time all persons feeling agrieved may file with the City Clerk

their complaint in writing, briefly setting forth wherein they deem themselves agrieved by said assessment, and describing the property of the assessment of which they complain.

SEC. 16. The Assessor shall upon said return being made, give notice in some public newspaper printed in the City of Warsaw, that the assessment for that year is completed and deposited in the City Clerk's office, and will there remain for the period of fourteen days for public inspection, and reques' all persons feeling agrieved, to file their complaint aforesaid before the expiration of said period, with the City Clerk: *Provided, however,* that the City Council may extend the time for making the return, and in case the time is extended, such notice shall be given, and complaints filed after said return is made for the same length of time, and in the same manner as if said return had been made on the first day of August.

SEC. 17. Sc soon as practicable after the expiration of the period mentioned for inspection of said assessment and filing complaints against the same, the City Council shall meet, and the City Clerk shall lay before the Council said assessment list, together with all complaints aforesaid, touching the same. And the Council, together with the Assessor, if practicable, carefully examine all complaints filed, and shall make such alterations and amendments in said assessment list as shall be deemed just and equitable. They shall also cause any additions to be made to said list, of property found to be omitted or which may not have come to the knowledge of the Assessor, and if in any event any real estate shall be omitted for any year or years, the same, when ascertained, shall be equitably assessed, and the back taxes thereon collected with the taxes of any current year. The City Council shall cause all errors in said list to be corrected so far as practicable, and the total amount of taxeble property to be ascertained as near as can be, and the same to be set down at the end of said list. The said assessment list when examined and corrected as aforesaid, shall be certified to by the Assessor, as near as may be in the following form: "I do certify that the foregoing assessment list for the City of Warsaw, for the year ——, contains a true assessment of all the taxable property within said City, for the said year. ———— City Assessor." And shall file said assessment list with the City Clerk, and shall take from said Clerk a receipt for the same, showing the total amount of taxable property, which receipt he shall file with the City Treasurer.

SEC. 18. The City Council shall, as soon as practicable after the said list is corrected and the amount of taxable property ascertained, proceed to levy such a sum or sums of money as may be sufficient for the several purposes for which taxes are authorized to be levied, not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, which levy shall be recorded in the records of the city, and shall be and form a part thereof.

SEC. 19. All taxes and assessments, general and special, levied or assessed by the City Council under this act, shall be a lien upon the real estate upon which the same may be levied, imposed or assessed, for two years from and after such levy, and on personal property from and after the delivery of the assessment list or roll to the collector for collection thereof until paid, and no sale or transfer shall affect the lien; any personal property belonging to the debtor may be taken and sold for the payment of taxes due from said debtor on real or personal estate, and the real estate shall be liable for the taxes on personal property, in case of removal or when the tax can not be made out of the personal property, in the same manner as is prescribed by the laws of the State: *Provided,* that in case the collection of any

assessment shall be delayed by injunction or other special proceedings, the same shall continue a lien, unless set aside, upon the real estate, for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

SEC. 20. The City Clerk shall, within thirty days after the levy of the tax by the City Council, make out a fair copy of said assessment list, and rule therein separate columns, in which the tax levied shall be respectively set down opposite the name of the person or such real estate subject thereto, and shall attach to said assessment list a warrant, signed by the Mayor or Acting Mayor and Clerk, with a corporate seal thereto attached, authorizing the Collector to collect the sums of money as levied in said assessment roll or list, and pay the same over to the City Treasurer, and take his receipt for the same, and shall deliver the same to the Collector, and take the Collector's receipt for said assessment list, showing the total amount of taxable property, and the total amount of taxes therein, which receipt he shall file in his office.

SEC. 21. The Collector, before receiving said assessment list, shall give bond with security to the satisfaction of the City Council to the city of Warsaw, in a penalty of double the amount of the whole taxes in said list, and conditioned for the faithful discharge of his duties in the collection of the city taxes, and for the payment thereof by him to be collected into the city treasury, which bond shall be filed with the City Clerk.

SEC. 22. The Collector shall, upon the receipt of said assessment list, forthwith proceed to the collection of the taxes therein specified, and for that purpose shall call at least once on the person taxed, or at his usual place of residence or business, if in the city, and shall demand payment of the taxes charged to him on his property, and the oath of the Collector shall be allowed in all cases to prove such demand: *Provided, however*, that the Collector may give notice of the time and place when and where he will attend with the tax list and receive taxes, which notice shall be published in some newspaper in said city, and shall be published twice; and such notice shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal.

SEC. 23. In case any person shall refuse or neglect to pay the tax imposed on him, the Collector shall levy the same by distress and sale of the goods and chattels of the person who ought to pay the same: *Provided, however*, that the Collector shall have power to collect said taxes, with interest and costs, by suit in the corporate name of the city, and in any court of competent jurisdiction, and no set-off shall be allowed in any such suit.

SEC. 24. The Collector may, after demand and refusal as aforesaid, and before, in case of probable loss to the city revenue of tax due the city, or any property, real or personal, on said tax list, seize any personal property of the owner or any person having listed or consented to the listing in his name, or any property which has been duly listed by the Assessor, as hereinbefore provided, of such property of sufficient value to satisfy the taxes and cost due thereon, and may from time to time make such further seizure as may be necessary for that purpose. He shall cause any property so seized to be advertised for sale ten days, by posting a notice thereof in front of the City Clerk's office, in the city, containing a description of the property, and stating the time and place of sale thereof, or by publishing a similar notice once in some newspaper published in said city, which notice shall be published at least ten days before the day of sale, and on the day of sale shall sell

the same at public vendue, at the place named in said notice, to the highest bidder, and apply the proceeds to the satisfaction of the taxes and costs for which the same was seized, after deducting five per centum for making such seizure and sale, and shall pay the overplus, if any, to the owner thereof on demand. The said tax list shall be a sufficient warrant for the Collector to make such seizure and sale; and in all cases arising under this act, the said assessment list shall be evidence on the part of the city.

SEC. 25. Any person may pay taxes on such portion of any real estate as he may have claim to, provided he will furnish the Collector with a plain and certain description thereof. Upon the payment of any tax to the Collector, he shall make an entry in his tax list of the name of the person paying, and if the payment is made on property, by different descriptions or in different parts or parcels from the description thereof made by the Assessor, and shown by said tax list, he shall enter a particular description thereof, and of the amount paid, and shall deliver to the person paying a receipt stating the time of payment, by whom payment is made, a correct and a plain description of the property paid on, the total amount paid, and the year or years for which the taxes are paid.

SEC. 26. After having made due effort to collect the taxes due on said tax list, and on or before the first day of January in each year, the Collector shall return said tax list into the office of the City Clerk, there to be filed and remain, and shall also at the same time make out and return to the City Clerk a delinquent list, truly taken from said tax list of the taxes remaining unpaid thereon, and for which he can find no personal property to satisfy the same and costs. The Collector shall append to said delinquent list an affidavit as near as may be in the following form: I do solemnly swear (or affirm, as the case may be) that the foregoing delinquent list contains a true copy from the tax list of the city of Warsaw, for the year 18 , of the taxes remaining unpaid on said list, and for which I can find no personal property to satisfy the same. ———————— Collector. Which oath or affirmation may be administered by any person qualified to administer oaths under the laws of this State: *Provided, however*, that the City Council may extend the time for the Collector to return for fifteen days.

SEC. 27. Upon the return aforesaid of said original and delinquent tax list, the City Council shall, so soon as practicable, examine the same, and shall allow and credit the Collector with all delinquent taxes in said delinquent list contained, which they shall be satisfied could not have been collected by due diligence, and shall make final settlement with the Collector of the revenue aforesaid collected by him. Upon the examination and settlement aforesaid, the City Clerk shall receive and file the said delinquent tax list, and shall execute to the Collector his receipt therefor, showing the total amount of taxes remaining unpaid on said delinquent list, which receipt the Collector shall file with the City Treasurer, and the City Clerk shall from thenceforth stand charged with the collection of said delinquent taxes.

SEC. 28. The City Council may from time to time by order direct the Collector to pay into the city treasury all taxes collected by him, or to make settlement therefor with the City Council, and in case of default of the Collector in any matter material to the security or collection of the city revenue under this act, the City Council shall cause the Collector's bond as aforesaid to be put in suit for such default.

SEC. 29. The City Clerk shall give bond, with security to the satisfaction of

the City Council, to the city of Warsaw, in a penalty of double the amount of taxes remaining unpaid on the said delinquent tax list, and conditioned for the faithful discharge of his duties as collector of the delinquent tax list, and for the payment of the moneys collected thereon into the city treasury, which bond shall be filed with the City Treasurer, and the City Clerk shall thereupon be authorized to receive the taxes unpaid on said delinquent tax list, and shall have the same power to collect the same by distress or otherwise in all respects that the Collector had.

SEC. 30. The City Clerk shall, as soon as practicable after receiving said list, publish an advertisement in some newspaper printed in the city of Warsaw, which advertisement shall be published once, and shall be published at least twenty days previous to the term of the county court of Hancock county, at which judgment may be prayed, and said advertisement shall contain a list of the delinquent tracts, lots and blocks within said city upon which the taxes remain due and unpaid, the names of the owners if known, and the amount of taxes and costs due thereon, and the year or years for which the same are due, and notice that he will apply to the county court of said Hancock county, at the next term thereof, for judgment against said tracts, lots and blocks for said taxes and costs, and for an order to sell said tracts, lots and blocks, for the satisfaction thereof; and shall also give notice that on the third Monday next succeeding the day fixed by law for the commencement of the term of said court at which judgment may be rendered, all the tracts, lots and blocks, for the sale of which an order shall be made, will be exposed to public sale at the office of the City Clerk, in the city of Warsaw, for the amount of said taxes and costs due thereon; and the advertisement published according to the provisions of this section, duly certified to by the publisher of the paper in which the same shall appear, shall be deemed and taken to be sufficient legal notice, both of intended application of the Clerk, as aforesaid, to the county court for judgment, and also of the sale of said lots, tracts and blocks, under the order of said court.

SEC. 31. And if for any cause the county court of said Hancock county shall not be holden at the term at which judgment is prayed, the cause shall stand continued, or the County Judge may in his discretion continue the cause until the next regular term thereafter, and at the term to which said cause is continued the court shall hear and determine the matter: *Provided, however,* that in case of the death of the County Judge, or for any other cause the county court of said Hancock county is not held at any term to which application shall be made for judgment, or any term to which said cause shall be continued, then and in that case said cause shall stand continued until the first regular term of said court shall be holden.

SEC. 32. On the first day of the term of the county court at which judgment on delinquent tracts, lots and blocks is prayed, it shall be the duty of the City Clerk to report to the County Clerk a list of all the tracts, lots and blocks within the city of Warsaw, on which the taxes remain due and unpaid, to which list the City Clerk shall append an affidavit, in the following form: I ————————, Clerk of the city of Warsaw, county of Hancock, and State of Illinois, do solemnly swear (or affirm, as the case may be) that the foregoing is a true and correct record of the delinquent tracts, lots and blocks within the city of Warsaw aforesaid, for the year or years therein set forth, on which the taxes have not been collected; that said taxes now remain due and unpaid, and that due notice of application for judgment and of sale has been given as required by law. Said affidavit shall be entered on the record at the bottom of said list, and signed by the City

Clerk. The oath may be administered by any justice of the peace, or the Clerk of the county court.

SEC. 33. The court shall examine said list, and if defence or objection be offered by any person interested in any of said tracts of land, lots and blocks, to the entry of judgment against the same, the court shall hear and determine the same in a summary manner, without pleadings, and shall pronounce judgment as the rights of the case may be; and in case judgment is rendered in favor of the city of Warsaw, thereon, shall direct the Clerk to make out and enter an order for the sale of said lands, which order shall be substantially in the following form: WHEREAS, due notice has been given of the intended application for a judgment against said lands, and no owner hath shown good cause why judgment should not be entered against the said lands for the taxes and costs due and unpaid thereon for the year or years herein set forth: it is therefore considered by the court that judgment be and is hereby entered against the aforesaid tracts, lots and blocks, in the name of the city of Warsaw, for the sum annexed to each tract or parcel of land, lots or blocks, being the amount of taxes and costs due severally thereon; and it is ordered by the court that the said several tracts of land, lots and blocks, or so much thereof as shall be sufficient of each of them to satisfy the amount of taxes and costs annexed to them severally, be sold at the office of the City Clerk, within and for the city of Warsaw, in the county of Hancock, and State of Illinois, as the law directs. Said order shall be signed by the Judge, and shall have the same effect as judgments and orders made by the circuit court. Persons owning any of the tracts, lots or blocks included in said list, feeling themselves aggrieved by any decision of the county court in such cases, shall have the right of appeal as in other cases to the circuit court of Hancock county, by giving bonds and security in double the amount of the taxes and costs charged on the tracts, lots and blocks owned and claimed by them, which bond shall be payable to the city of Warsaw, and approved by the County Judge.

SEC. 34. And in case any appeal shall be taken from the county court as aforesaid, it shall be the duty of the court in which the case is finally disposed of, if the judgment be in favor of the city of Warsaw, to direct the time and place of sale of said lands, tracts, lots and blocks. And the said lands, tracts, lots and blocks, shall be sold on the day and at the place prescribed in said order, and such sale shall be as valid and binding in all respects as if the said appeal had not been taken, and the sale shall be conducted in the same manner, in all respects, as if no such appeal had been taken.

SEC. 35. And the city of Warsaw may appeal from any decision of the county court, the same as any person, but the city of Warsaw shall in no case be required to give bond, in appealing from the decision of said court, made on application for judgment for taxes.

SEC. 36. The City Clerk shall, before the day of sale, make a correct record of the lands and town lots, blocks and tracts, against which judgment is rendered in any suit for taxes due thereon, and which shall set forth the name of the owner, if known, the description of the property and the amount due on each tract or lot, in the same order as said property may be set forth in the judgment book, and shall attach thereto a correct copy of the order of the court, and his certificate of the truth of said record; which record so attached shall hereafter constitute the process on which all real property shall be sold for taxes, as well as the sales of said property. When any tract of land or town lot or block shall be sold, it shall be

the duty of the Clerk to enter on the record aforesaid the quantity sold and the name of the purchaser, opposite such tract or lot, in the blank columns provided for that purpose; and when any such property shall be redeemed from sale, the Clerk shall enter the name of the person redeeming, the date and amount of redemption in the proper columns. Said book shall be so ruled that there shall be suitable blank columns for entering the quantity or portion of each tract or lot that may be sold, the name of the purchaser, and such other columns as may be deemed necessary. Said book shall be called the "sale book."

SEC. 37. Any person may pay the taxes and costs remaining unpaid on any tract, block or lot in said delinquent list at any time before sale of the same, and the Clerk shall, upon such payment, make the same entry in said delinquent list, and deliver to the person paying the same a receipt therefor, as hereinbefore required in cases of payment of taxes before judgment.

SEC. 38. In selling said tracts, lots and blocks in accordance with the order of the county court, or any other court, the City Clerk shall offer the whole of each tract, lot or block, as described in said list, for sale for the amount of taxes and cost due thereon, and the person at such sale offering to pay the taxes and costs charged on each tract or lot for the least quantity thereof, shall be the purchaser of such quantity. When a portion of a lot, tract or block shall have been struck off on any such bid, it shall be taken off the east side of said lot, tract or block, extending the whole length of said side, provided said lots have a northerly or southerly front, and from the north side, extending the whole length as aforesaid, should said lots or blocks have an easterly or westerly front.

SEC. 39. At the time of sale mentioned in the notice aforesaid, the City Clerk shall proceed and sell, at the place named in the said notice, the several tracts, lots and blocks in said list described, upon which the taxes and costs, or any portion thereof, shall remain unpaid, for the satisfaction of such taxes and costs, and if no bid shall be made for any tract, lot or block offered of the amount of taxes and costs thereon, the same shall be struck off to the city of Warsaw; and the said city (which is hereby authorized to become the purchaser at any such sale) shall be regarded as the purchaser thereof, and a certificate of purchase therefor shall issue to said city in its corporate name, and said city shall in all other respects be treated as other purchasers. The City Clerk shall receive all moneys at said sale, and shall execute to the several purchasers certificates of purchase, stating the name of the purchaser, the date of the purchase, the year or years for which the taxes accrued, the amount for which said tract was purchased, and a plain description of the property purchased.

SEC. 40. The City Clerk shall pay over all moneys by him received for taxes, by sale or otherwise, on said delinquent tax list, to the City Treasurer, and report to the City Council the property sold to the city, and the amount of tax due thereon; and the City Council shall allow him for the amount of tax aforesaid. As soon as practicable after said sale, the City Council shall make a final settlement on said delinquent tax list with the Clerk, and make a record of the same.

SEC. 41. If any real property shall be doubly assessed, or assessed before it became taxable, and the taxes so erroneously assessed shall have been paid, the City Council, on application of the person paying the same, or his agent, and being satisfied of the facts in the case, shall cause said taxes to be refunded; and if any Collector or Clerk shall receive the taxes properly due on any real property, and said property shall afterwards be sold for the same taxes, he shall refund to the

purchaser thereof, if application be made within two years from the date of said sale, double the amount of the purchase. Any Collector or Clerk neglecting or refusing to pay as required by this section, shall be liable to the holder of the certificate of purchase, or his legal representatives, in an action of debt, in any court having competent jurisdiction of the amount of said debt.

SEC. 42. The Clerk may continue any sale of delinquent property under this act from day to day, until all the tracts of land, lots and blocks contained in the delinquent list, on which taxes and costs remain unpaid, shall be sold or offered for sale.

SEC. 43. In all advertisements for the sale of lands for taxes, and in entries required to be made by the Clerk or other officer, letters and figures may be used to denote townships, ranges, sections, parts of sections, lots, blocks, parts of lots and parts of blocks and surveys, and the amount of taxes and costs. And the Clerk, in computing and extending the tax on any lot, tract, block or personal property, shall in no case regard the fractions of a cent in said computation.

SEC. 44. If any Collector or City Clerk shall die, be removed from office, resign, whose term of office shall expire before the completion of any and all duties required of them respectively by the provisions of this act, his or their successor or successors in office shall, and they are hereby authorized and required to proceed and complete the same in every respect as fully as if such death, removal, resignation or expiration of office had never taken place.

SEC. 45. The books and records belonging to the office of the City Clerk of the city of Warsaw, or copies thereof certified by said Clerk, shall be deemed sufficient evidence to prove the sale of any land for taxes, the redemption of the same, or payment of taxes thereon.

SEC. 46. No sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of the rightful owner.

SEC. 47. The county court of Hancock county, in the State of Illinois, shall have original jurisdiction of suits for taxes due on real property on application for judgment against said real property, whether such court be sitting for the transaction of county or probate business.

SEC. 48. Real property sold under any of the provisions of this act may be redeemed at any time before the expiration of two years from the date of sale, on complying with the following conditions:

First—Paying in specie to the City Clerk of said city of Warsaw double the amount for which the same was sold, and all taxes accruing under the provisions of this act after such sale, with ten per cent. interest thereon from the day of sale, unless such subsequent tax has been paid by the person for whose benefit the redemption is made, which fact may be shown by the Collector's receipt.

Second—Paying in specie all the taxes legally levied or assessed on the same under the laws of this State, other than those levied under this act, after such sale, with ten per cent. interest thereon. But in no case shall the person or persons be required to pay any tax other than the taxes levied under the provisions of this act, unless the amount of the same, and the year or years for which the same were levied, is entered on the sale book.

SEC. 49. If the real estate of any infant, femme covert, or lunatic be sold under this act, the same may be redeemed at any time within one year after such disability be removed, upon complying with the conditions specified in the last pre-

ceding section, which redemption may be made by themselves, their heirs, their guardians or legal representatives. But in no case shall any infant, femme covert, or lunatic, or their heirs, guardians or legal representatives be allowed to redeem any greater interest or quantity of said land than they owned at the day of sale, and shall pay in proportion to the whole amount due on said land, according to the interest which they redeem.

SEC. 50. The purchaser of any real property for taxes, under this act, his heirs or assigns, may present to the City Clerk the proper officer's receipt, showing the payment of any tax or taxes legally assessed on said real property subsequent to said purchase, except for the taxes assessed on the said property under the provisions of this act the year or years for which said tax was paid, and the amount thereof; and it shall be duty of the City Clerk, on the presentation of such receipt, to enter and set down in the sale book opposite said real estate, the amount and the year or years for which said tax was paid. And any person wishing to redeem said property, shall pay the tax so entered in the sale book, with the interest thereon.

SEC. 51. On the payment of the redemption money, as required by this act, the City Clerk shall execute to the person redeeming a certificate stating the date of the sale, the year or years for the taxes of which the sale was made, and the amount of tax or taxes that may be entered on the sale book as having been unpaid subsequent to said sale, with the interest thereon, and the amount of taxes levied under this act paid subsequent to said sale, and the interest thereon, the name of the person to whom sold, the amount for which the same was sold, a plain description of the property sold and redeemed, the name of the person redeeming, and the amount paid thereon, and shall make an entry opposite the property redeemed in the sale book of the date of the redemption, the name of the person redeeming, and the amount paid thereon. The person receiving such certificate shall pay to the Clerk the sum of twenty-five cents.

SEC. 52. It shall be the duty of the City Clerk to make a special deposit with the City Treasurer of all moneys received for redemption, except his fees, particularly specifying on what property and from what sale the same was received, and take the Treasurer's receipt for the same, and file it in his office. And the City Treasurer shall pay the amount so deposited to the purchaser, his heirs or assigns, on demand and presentation of the certificate of purchase. And the person receiving such redemption money shall receipt the same in a book kept by the Treasurer for that purpose: *Provided, however*, that the presentation of the deed to said property from the Clerk shall be deemed as the same as the presentation of the certificate. And if any redemption money deposited with the Treasurer and not called for at the expiration of his office, said Treasurer shall deliver it to his successor in office, and take his receipt for the same.

SEC. 53. Any infant, femme covert, or lunatic, his, her or their heirs, guardians or legal representatives, wishing to redeem any real property sold under this act, after the expiration of two years from the day of sale, shall make oath or affirmation in writing, before the Clerk, of their right to redeem said property, setting out their interest in said property, and the facts as to their disability at the time the said property was sold, and of their right to redeem; which oath or affirmation shall be considered *prima facie* evidence of such right, and the Clerk shall file said oath or affirmation in his office, and for the taking and filing such oath or affirmation he shall be allowed the sum of twenty-five cents, to be paid by the person or

persons wishing to redeem. Any person swearing falsely in such oath or affidavit, shall be deemed guilty of perjury, and punished accordingly.

SEC. 54. After the expiration of two years from the day of sale of any real property sold under the provisions of this act, for taxes, the purchaser thereof, his heirs or assigns, shall be entitled to a deed therefor: *Provided*, the same shall not have been previously redeemed, and *provided* such purchaser, his heirs or assigns, shall have complied with the provisions of the next section of this act. And the City Clerk shall in such case, upon the surrender of the certificate of purchase thereof, execute to such purchaser, his heirs or assigns, a deed of such property.

SEC. 55. The purchaser of any real property under this act for taxes, his heirs or assigns shall, at least three months before the expiration of two years from the time of sale, cause to be served on every person in possession of any such real estate, a written notice of such purchase, in which notice he shall state when he purchased said tract, lot or block, a description of such tract, lot or block, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such tract, lot or block is taxed, a similar written notice, if such person or persons shall reside in the county of Hancock, and in the event that the person or persons in whose name or names such tract, lot or block is taxed, do not reside in the county of Hancock, he shall publish such notice in some newspaper printed in said county, which notice shall be inserted three times, the last time being not less than three months before the expiration of two years from the time of the sale of such property. The purchaser, his heirs or assigns shall, before a deed is executed to him, by himself or agent, make an affidavit of his having complied with this section, stating particularly the facts relied on as such compliance; which affidavit shall be delivered to the City Clerk, and by him filed in his office and entered on the records of his office, and carefully preserved among the files of his office, and which record or affidavit shall be *prima facie* evidence that such notice has been given. In case any person shall be compelled, under this section, to publish a notice in a newspaper, then, before any person who may have a right to redeem such real estate from such tax sale shall be permitted to redeem, he shall pay to the City Clerk the printer's fees for publishing such notice, and costs of being sworn to such affidavit, and of filing the same as aforesaid. *Provided*, that the fee for such publication, where the notice does not include more than four tracts or lots, shall be one dollar, and the printer shall be allowed twenty cents for each additional tract contained in said notice. Any person swearing falsely in the affidavit required by this section, shall be deemed guilty of perjury and punished accordingly.

SEC. 56. In case the City of Warsaw is the purchaser of any real property for taxes or assessments under this act, then and in that case, if the certificate of purchase has not been assigned, the City Marshal of said City is hereby authorised and empowered to give the notice, and make the affidavit required in the last preceding section, in the name and on the behalf of said City.

SEC. 57. In case any purchaser, his heirs or assigns shall have lost, or for any cause is unable to produce his certificate of purchase, the City Clerk shall execute a duplicate certificate thereof, upon such person filing with him an affidavit of such loss or inability to produce the same, and that the same is his rightful property.

SEC. 58. The certificates of purchase for taxes under this act, shall be assignable by endorsement on the back, and when so assigned, the assignee or assignees shall be vested with the same rights and shall be entitled to receive a deed of such

premises in his own name and with the same effect as though he had been the original purchaser.

SEC. 59. And in case the City of Warsaw shall be the holder of any such certificate of purchase, then the same may be assigned by the Mayor, by his endorsing his name on the back of such certificate.

SEC. 60. All the notices and advertisements required to be published, or which are authorized to be published under this article in any newspaper, the certificate of the printer or publisher with a written or printed copy of such notice or advertisement annexed, stating the number of times which the same shall have been published, and the date of the first and last papers containing the same, shall be sufficient evidence of the publication therein set forth.

SEC. 61. All deeds made to purchasers or their heirs or assigns, of tracts, lots or blocks of ground, sold for any tax or assessment by order of the City Council of said City of Warsaw, shall, in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the premises thereby conveyed, be *prima facie* evidence of the following facts:

First—That the taxes or assessments were not paid at any time before the sale.

Second,—That the land conveyed had not been redeemed from the sale at the date of the deed.

Third—That the purchaser has given the notice or notices at the time and in the manner and upon the person or persons, and filed with the Clerk of the said City the affidavit required by section 55 of this article, has in every respect complied with section fourth of article ninth of the Constitution of this State, required of purchasers at tax sales before being entitled to receive a deed therefor, and conclusive evidence of the following facts:

First—That the land, tract, lot or block was subject to taxation or assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Second—That the land or lot was advertised for sale for the length of time and in the manner required by law.

Third—That the land was sold for taxes or assessments, as stated in the deed.

Fourth—That the grantor in the deed was the purchaser.

Fifth—That the Collector has made his return in the time and manner required by law.

Sixth—That the sale was conducted in the manner required by law; and in all controversies and suits involving the title to land or lots claimed and held under and by virtue of such deed, the person or persons claiming title adversely to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the taxes or assessments had been paid, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the person having the right of redemption under this act, but no person shall be permitted to question the title acquired by said deed, without first showing that he, or the person from whom he derives his interest, had title to the land or lot at the time of sale, or that the title was obtained from the United States or of this State, after the sale, and that all taxes due upon the lands or lots have been paid by such person, or the person under whom he claims title, as aforesaid.

SEC. 62. The deed made by the City Clerk, under this act, shall be signed by the City Clerk, and on being properly acknowledged before some officer having

the right to take acknowledgments of deeds in this State, the same may be read in evidence in any court in this State, without proof.

Sec. 63. There shall be allowed for collecting the city revenue, from taxes and assessments, the following fees:

To the Collector and Clerk, on all moneys collected by them, three per centum.

To the Clerk, for copying the assessment roll and extending the taxes thereon, three cents on each tract, and on personal property three cents on each person's personal property, which items shall be paid by the city of Warsaw. And the following fees, which shall be a charge on the real property on which the same accrued as costs, and the person paying the tax on or purchasing said real property at the sale, shall pay the same:

First—To the City Collector, for making out and returning delinquent tax list, three cents on each tract, lot or block.

Second—To the printer, for publishing the delinquent tax list notice, on each tract, lot and block, five cents.

Third—To the City Clerk, for making copy of delinquent list for printer, two cents on each tract, lot or block.

Fourth—To the Clerk, for making out list of delinquent lands for judgment, three cents on each tract, lot or block.

Fifth—To the Clerk, for making sale on each tract, lot or block, and entering the same in sale book, eight cents.

And the following fees, which shall be paid by the person wishing the services:

To the City Clerk, for issuing duplicate certificate of purchase in case of loss, twenty-five cents, for making each deed on tax sale and acknowledging the same, one dollar.

And all other expenses arising out of the city revenue, from taxes or assessments, shall be laid before the City Council by the person interested, to be acted on by them, and allowed or disallowed, as shall to them appear equitable.

Sec. 64. The City Clerk is hereby authorized and empowered to make deeds to the purchaser, his heirs or assigns, of any lots or real estate sold on the 22d day of March, A. D. 1858, for taxes due the city of Warsaw for the current year of A. D. 1857, under the laws of this State and the ordinances of the said city of Warsaw, unless said lots or real estate shall be redeemed according to the ordinances of said city, and when the said deed or deeds is properly acknowledged before some officer empowered to take acknowledgment of deeds in this State, the same may be read in evidence in all courts and places without further proof.

Sec. 65. The deeds made by the City Clerk under and by virtue of the power conferred on said Clerk by section 64 of this act, shall be evidence of the same facts and things in all courts and places as deeds made for property sold for taxes under the provisions of this act, and the same validity shall be given to them in all respects as may be given to deeds made for sale of lands for taxes under this act.

Sec. 66. The assessments and levy for taxes by the city of Warsaw, for the current year A. D. 1858, are hereby legalized and made valid and binding in all respects, and in case any real estate is sold for taxes due the city of Warsaw for the current year A. D. 1858, the sale shall be made by the City Clerk, and shall be made and conducted in all respects in conformity to the provisions of this act; and the same rights of redemption from such sale shall exist as from sales made under the provisions of this act, and none other; and the purchaser shall give the notice required by this act, and the Clerk, in case said property is not redeemed according

to the provisions of this act, shall execute deeds to the purchasers, or their heirs or assigns, as authorized by this act, and such deeds shall be evidence of the same facts and in the same manner as deeds made for lands sold for taxes under the provisions of this act; and this act shall extend to and apply in all respects to the collection of taxes due the city of Warsaw for the current year, A. D. 1858, from and after its passage, the same as if said taxes had been levied and assessed under the provisions of this act.

SEC. 67. It shall be the duty of the Secretary of State, immediately after the passage of this act, to furnish the said city of Warsaw a copy of the same, duly certified to.

ARTICLE IX.

BOARD OF HEALTH.

SECTION 1. The Board of Health shall consist of three or more commissioners, to be appointed annually by the City Council; and the Mayor or presiding officer of the City Council shall be President of the Board, and the City Clerk shall be their Clerk, and keep minutes of its proceedings.

SEC. 2. It shall be the duty of Health officers to visit every sick person who may be reported to them, as hereinafter provided, and to report with all convenient speed their opinion of the sickness of such person to the Clerk of the Board, and to visit and inspect all houses or places in which they may suspect any person to be confined with any pestilential or infectious disease, or to contain unsound provisions, or damaged or putrid animal or vegetable matter, or other unwholesome articles, and to make report of the state of the same, with all convenient speed, to the Clerk of the Board.

SEC. 3. All persons in the city, not residents thereof, who may be infected with any pestilential or infectious disease, or all things which in the opinion of the Board shall be infected by or tainted with pestilential matter, and ought to be removed so as not to endanger the health of the city, shall by order of said Board be removed to some proper place, not exceeding five miles beyond the limits of the city, to be provided by the Board, at the expense of the person to be removed, if able; and the Board may order any furniture or wearing apparel to be destroyed, whenever they may deem it necessary for the health of the city, by making just compensation.

SEC. 4. The City Council shall have power to prescribe the powers and duties of the Board of Health, and to punish by fine or imprisonment, or both, any refusal or neglect to obey the orders and regulations of the Board.

SEC. 5. The Health officers may be authorized by the City Council, when the public interest requires, to exercise for the time being such of the powers and perform such of the duties of the Marshal or Supervisor as the City Council may in their discretion direct, and shall be authorized to enter all houses and other places, private or public, at all times, in the discharge of any duty under this act or any ordinance.

SEC. 6. Every person practising physic in this city, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith

make report thereof in writing to the Clerk of the Board, and for neglect to do so shall be considered guilty of a misdemeanor, and liable to a fine of fifty dollars, to be sued for and recovered, with costs, in an action of debt in any court having cognizance thereof, or before a justice of the peace, for the use of the city.

ARTICLE X.

FIRE DEPARTMENT.

SECTION 1. The City Council, for the purpose of guarding against the calamities of fire, shall have power to prohibit the erection, placing or repairing of wooden buildings within the limits prescribed by them, without their permission, and direct and prescribe that all buildings within the limits prescribed shall be made or constructed of fire-proof materials; and to prohibit the rebuilding or repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage. To declare all dilapidated buildings to be nuisances, and to direct the same to be repaired, removed or abated in such manner as they shall prescribe and direct; to declare all wooden buildings within the fire limits which they may deem dangerous to contiguous buildings, or in causing or promoting fires, to be nuisances, and to require and cause the same to be removed or abated, in such manner as they shall prescribe.

SEC. 2. The City Council shall have power—

First—To regulate the construction of chimneys and flues so as to admit of chimney sweeps or other mode of cleaning, and to compel the sweeping and cleaning of chimneys.

Second—To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove-pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition, when considered dangerous.

Third—To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter into all buildings and enclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Fourth—To require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use thereof in times of fire, and to require all owners and occupants of buildings to construct and keep in repair wells or cisterns upon their premises.

Fifth—To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

Sixth—To regulate, prevent and prohibit the use of fire-works and fire-arms.

Seventh—To direct and prohibit the management of houses for the storing of gunpowder and other combustible and dangerous materials within the city; to regulate the keeping and conveying of the same, and the use of candles and other lights in stables and other like houses.

Eighth—To regulate and prescribe the manner and order the building of parapet and partition walls and of partition fences.

Ninth—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Tenth—To authorize the Mayor, fire wardens, or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and in preventing goods from being stolen.

Eleventh—And generally to establish such regulations for the prevention and extinguishment of fires as the City Council may deem expedient.

SEC. 3. The City Council may procure fire engines and all other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure houses and other places for keeping and preserving the same, and shall have power—

First—To organize fire, hook, hose, axe and ladder companies.

Second—To appoint, during their pleasure, a competent number of able and reputable inhabitants of the city firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Third—To prescribe the duties of firemen, and to make rules and regulations for their government, and to impose reasonable penalties upon them for a violation of the same, for incapacity, neglect of duty or misconduct, to remove them.

Fourth—The City Council shall have power to appoint a chief and assistant engineers of the fire department, and they, with the other firemen, shall take the care and management of the engines and other apparatus and implements provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the City Council.

SEC. 4. The members of the City Council, and firemen, shall, during their terms of service as such, be exempted from serving on juries, in the militia, or working on the streets, or paying any tax for the same. The name of each fireman shall be registered with the Clerk of the city, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the Clerk, under the corporate seal, for the year in which exemption is claimed.

ARTICLE XI.

SCHOOLS AND SCHOOL FUND.

SECTION 1. All of the territory lying within the corporate limits of the said city of Warsaw, with such other territory as may be hereafter incorporated with and come under the jurisdiction of said city, is hereby erected into a common school district, to be known as the "Warsaw School District." WHEREAS, by an act approved February 7th, A. D. 1857, the limits of said city of Warsaw was extended, embracing in said extension many of the persons under the age of twenty-one years, inhabitants of the town of Wilcox, who had at that time, and still have, a large fund for the support of common schools, arising from the sale of school lands, invested in notes and mortgages; and WHEREAS, by said law extending said limits no provision was made for any division of said school fund of said Wilcox,

therefore, said city of Warsaw is hereby declared to be entitled to so much of said funds as said children so annexed to said city and were taken from said town of Wilcox bear to the whole number of persons under twenty-one years of age in said town of Wilcox at the time of the passage of said act, viz., said 7th February, 1857.

SEC. 2. The Treasurer of said town of Wilcox and the Treasurer of said city respectively, and their successors in office, are hereby appointed a committee, and it is made their duty to ascertain the census of all the persons in said town of Wilcox under the age of twenty-one years on the 7th of February, 1857, and also the number of such persons so annexed to said city of Warsaw and taken from said town of Wilcox, and apportion the distributive share of said funds on hand at the date last aforesaid. It is hereby made the duty of the Treasurer of the said town of Wilcox, having charge of said school funds, and he is hereby authorized to pay over to the Treasurer of the city of Warsaw, for the use of schools in said city, so much of said town of Wilcox's school funds as the proportion such persons under the age of twenty-one so annexed to Warsaw bear to the whole number of said persons under twenty-one years of age in said Wilcox at the time of such annexation, and said fund, when so received by said city of Warsaw, shall be added to the principal school fund thereof.

SEC. 3. It shall further be the duty of the said Treasurer of said town of Wilcox, who has charge of said school funds to pay over to the Treasurer of the city of Warsaw, for the use of schools in said city, so much money received from the State of Illinois, through the County School Commissioner for said Hancock county, including State, school, college and seminary funds, as said Treasurer of Wilcox received for the year 1858, on account of the scholars thus set off and annexed to Warsaw, on demand.

SEC. 4. The care and superintendence of the common schools within the city of Warsaw, together with the funds and estate, both real and personal, belonging to and which may be conveyed to the Warsaw school district, shall devolve upon the Board of Education (to be hereafter provided for) for said Warsaw school district, and the City Council of the city of Warsaw shall have power to make all laws and ordinances necessary and proper for the management of said common schools, upon recommendation of the same by the Board of Education.

SEC. 5. The present Board of Education of said city shall hold their offices as shall be determined by lot, to be made a matter of record on the minutes of proceedings of the City Council, one of them vacating his office at the termination of the present fiscal year, and two annually thereafter, and the City Council shall appoint two members of said Board, on their meeting for the appointment of other city officers next to be holden, and two annually thereafter, and shall also fill all vacancies as they from time to time shall occur, and the member so elected to fill a vacancy shall hold his office as long as the person whose place he fills could have held. Said Board of Education shall consist of six members, and they shall hold their offices for the terms for which they shall severally be appointed, and until others shall be elected and qualified in their stead.

SEC. 6. Said Board of Education in said city shall be deemed, and are hereby created a body politic and corporate, by the name of the "Board of Education of the Warsaw School District," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatever, and to have perpetual succession; they may exercise all the powers that school trustees of

townships and boards of directors in the school districts generally throughout the State now do by law, or may do by any law hereafter passed, except the right to levy taxes for any purpose whatever. Said Board of Education may make, from time to time all such rules and regulations for their own government and for the government and management of the public schools in said city, and for the management of, custody and care of all the schools, school funds and school property belonging at any time to said Warsaw school district, and shall from time to time recommend to the City Council the passage of any laws in relation to the management, government or control of the schools or school property belonging to said district, and the City Council are hereby empowered to pass any such laws so recommended, and they shall be binding and in force from such passage.

SEC. 7. All the estate, both real and personal, belonging to said city of Warsaw for the use of schools, and all the funds, notes, mortgages and moneys belonging to said city for the use of schools, or which may hereafter come into possession or control of said city, is hereby declared to be fully vested in said Board of Education, and in their successors in office forever, and said Board of Education are empowered to receive conveyances of any real estate or personal property; said Board of Education shall hold stated and regular meetings once in each month, the time to be designated by resolution of said Board.

SEC. 8. The Clerk of the city of Warsaw shall be the Clerk of said Board of Education. The Treasurer of the city of Warsaw shall be Treasurer of the school funds. Said Board shall annually after the appointment or election of the new member elect one of their number for President of the Board.

SEC. 9. Said President of the Board of Education is hereby specially empowered to sell and convey by deed of quit claim, at private sale, to Isham Cochran or other persons, the school house and lot on Webster street, in said city of Warsaw, whenever ordered by said Board so to do.

SEC. 10. A majority of the said Board of Education shall constitute a quorum for the transaction of all business. It shall be the duty of the Board of Education to cause an abstract of the whole number of white children under the age of twenty-one years in the Warsaw school district to be furnished to the School Commissioner of Hancock county on or before the second Monday of October annually, and the School Commissioner of said Hancock county shall annually pay to the Treasurer of said Board of Education the proportion of school, college and seminary fund to which the said Warsaw school district may be entitled, and said Warsaw school district shall be entitled to their portion of said fund, according to the school law of the State.

SEC. 11. The members of the Board of Education shall be allowed two dollars each for every regular meeting of said Board that they shall attend. The Clerk of said Board shall be allowed two dollars for each regular meeting of said Board, and one dollar for each called or special meeting of said Board.

SEC. 12. The city of Warsaw is hereby authorized and empowered to levy a special tax not exceeding one eighth of one per cent. per annum in each year on all taxable property in said city: *Provided*, the same shall be recommended by the Board of Education of said city, the proceeds of which said tax shall be wholly applied to the support of common schools in said city, in the same manner as the interest arising from the permanent school fund, and to no other purpose. Said tax is to be collected in the same manner and under the same regulations that other city taxes are collected.

SEC. 13. All actions and rights of action which have accrued to the city of Warsaw for the use or benefit of the Warsaw school district, shall be vested in the Board of Education of the Warsaw school district.

SEC. 14. Said Board of Education shall have the care and management of the public schools, and may elect all such instructors as they may deem proper, and remove the same whenever they consider it expedient.

SEC. 15. The Board of Education shall examine such person as proposes to teach in the public schools in said district, in relation to his or her qualifications to teach such things or branches as he may deem necessary, and if it shall be satisfied that such person sustains a good moral character, is apt to teach, possesses good governmental qualities, and is properly qualified to teach such branches as will be required of him or her, it shall forthwith give such person a certificate of qualification; and the said Board of Education may revoke said certificate for gross immorality, incompetency, or other adequate cause.

SEC. 16. The duties of teachers shall be prescribed by the Board of Education, and made a matter of record by the Clerk of said Board on the book containing the proceedings of said Board.

TREASURER—HIS DUTIES.

SEC. 17. The Treasurer appointed by the City Council shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the Board, as securities, payable to the Board of Education for which he is appointed Treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of Treasurer of the Board of Education of the Warsaw school district, according to law. The security shall be approved by at least a majority of the Board, and shall be delivered by one of the Board to the Clerk of the Board of Education. And in all cases where such Treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal, and belonging to the Warsaw school district, for which he is appointed Treasurer, the penalty of said Treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects. And every Treasurer appointed subsequent to the first, as herein provided, shall execute bond with security as is required of the first Treasurer. The bond required in this section shall be in the following form, viz:

STATE OF ILLINOIS, }
Hancock County. } ss.

Know all men by these presents, that we, A. B., C. D. and E. F., are held and firmly bound, jointly and severally, unto the Board of Education of the Warsaw school district, in the penal sum of ———— dollars, for the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents. In witness whereof we have hereunto set our hands and seals, this ———— day of ————, A. D. 18—.

The condition of the above obligation is such, that if the above bounden A. B., Treasurer of the Board of Education of the Warsaw school district, as aforesaid, shall faithfully discharge all the duties of said office, according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office all

moneys, books, papers, securities and property in his hands, as such Treasurer, then this obligation to be void, otherwise to remain in full force and effect.

A. B. [SEAL.]
C. D. [SEAL.]
E. F. [SEAL.]

Approved and accepted by— G. H. } I. J. } K. L. } Board. M. N. } O. P. }

SEC. 18. Said Board of Education shall have power to prescribe the mode of keeping the Treasurer's books.

SEC. 19. The Treasurer of said Board shall loan upon the following conditions all moneys which may come into his hands by virtue of his office, except such as may be subject to distribution. The rate of interest shall be ten per cent. per annum, payable triennially in advance. The time for which loans shall be made shall not be less than six months nor more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, security shall be given by mortgage or deed of trust, on real estate unincumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the Board of Education for the time being. Notes, bonds, mortgages, and other securities taken for money or other property due or to become due to the Board of Education for the Warsaw school district, shall be payable to the said Board, by their corporate name; and in such name suits, actions and complaints, and every description of legal proceedings may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist upon which a right of action shall accrue to the use of this corporation. *Provided, however*, that the principal of said school fund may be invested in any bonds issued by the city of Warsaw, when the interest on said bonds will amount to a larger sum than on the amount of said principal so invested, the above rate herein provided, whenever the said Board of Education shall deem it to be for the benefit of said schools so to invest, and all such bonds of said city so purchased shall be deemed to be owing to said Board of Education, who may enforce the payment of the principal and interest upon the same as they shall severally become due, in their corporate name, although said bonds may by their terms be payable to bearer or to any other persons, and said city shall be compelled to pay all interest and the principal upon said bonds to said Board of Education, under all the penalties and liabilities that might or could accrue to any other holder of said bonds; and *provided, also*, that notes, bonds, mortgages and other securities which are payable to the city of Warsaw, for the use of the Warsaw school district, shall be valid to all intents and purposes; and suit may be brought on the same in the name of the Board of Education, as aforesaid. The wife of the mortgager (if he has one) shall join in the mortgage or deed of trust given to secure the payment of the money loaned by virtue of the provisions of this act.

SEC. 20. Mortgages or deeds of trust to secure the payment of money loaned under the provisions of this act, may be in the form prescribed by the 58th section of "An act to establish and maintain a system of free schools," approved Feb.'ry 16, 1857, which mortgage shall be acknowledged and recorded as is required by law for other conveyances of real estate, the mortgager paying the expenses of ac-

knowledgment and recording, and fifty cents as a fee to the Treasurer of the Board of Education.

SEC. 21. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; and the same may be foreclosed in equity; but mortgages made in any other forms to secure payment as aforesaid shall be valued as if no form had been prescribed. In estimating the value of real estate mortgages to secure the payment of money bound under the provisions of this law, the value of improvements liable to be destroyed shall not be included.

SEC. 22. In all cases where the Board of Education shall require additional security for the payment of money loaned, and such security shall not be given, the Treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon to the date of judgment, *Provided*, that proof be made of the said requisition. In the payment of debts by executors and administrators, those due said Board of Education shall have a preference over all other debts except funeral and other expenses attending the last sickness, not including the physician's bill. And it shall be the duty of the Treasurer to attend at the office of the Probate Justice, upon the proper day as other creditors, and have any debts due as aforesaid probated and classed to be paid as aforesaid.

SEC. 23. If default be made upon the payment of interest due upon money loaned by the Treasurer, or in the payment of the principal, interest at the rate of fifteen per cent. per annum, shall be charged upon the principal and interest from the day of default; which shall be included in the assessment of damages, or in the judgment in suit, or action brought upon the obligation to enforce payment thereof, and interest as aforesaid may be recovered in action brought to recover interest only, with said fifteen per cent. interest upon the same from the time that it is due. And the said Treasurer is hereby empowered to bring appropriate action in the corporate name of said Board of Education, for the recovery of the tri-annual interest when due and unpaid, without suing for the principal in whatever form secured, and Justices of the Peace shall have jurisdiction in such cases of all sums of one hundred dollars and under.

SEC. 24. All suits brought or actions instituted under the provisions of this act, may be brought in the name of the Board of Education of the Warsaw School District, except as is provided for action *qui tam* in this act. The Treasurer of the Board of Education shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to the school fund. He shall keep the school fund loaned at interest; and if on the first Monday of October in any year, there shall be any interest or other funds on hand which shall not be required for distribution, such amount not required as aforesaid may, if the Board of Education see proper, forever be considered as principal in the funds to which it belongs, and loaned as such or expended for library or apparatus.

SEC. 25. On the first Mondays of April and October of every year, the Treasurer shall lay before the Board of Education a statement, showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half-yearly meeting on all the property of said Warsaw School District. He shall also lay before the said Board all books, notes, bonds, mortgages, and all other evidence of indebtedness, belonging to the school fund, for the examination of the Board, and shall make such other statement as the said Board may require, touching the duties of his office.

SEC. 26. For any failure or refusal to perform all the duties required of the

Treasurer by law, he shall be liable to the Board of Education upon his bond, to be recovered by an action of debt by said Board, in their corporate name, for the use of the school fund, before any court having jurisdiction, of the amount of damages claimed; but if said Treasurer in any such failure or refusal, acted under and in conformity to a requisition or order of said Board or a majority of them, entered upon their journal and subscribed by their President and Clerk, then and in that case the members of the said Board aforesaid, or those of them voting for said requisition or order as aforesaid and not the Treasurer, shall be liable jointly and severally to the inhabitants of the Warsaw School District, to be recovered by action of assumpsit in the official name of said Board.

SEC. 27. When a Treasurer shall resign or be removed and at the expiration of his term of office, he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description in which this Corporation may have any interest whatever; and in case of the death of the Treasurer, his securities and legal representatives shall be bound to comply with the requirements of this section. He shall be liable to a penalty of not less than one nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained, and the obtaining or payment of said judgment shall in no wise discharge or diminish the obligation of his official bond.

SEC. 28. No part of the principal of said school fund shall ever be distributed or expended for any purpose whatever, except the interest, rents and profits thereof; but shall be loaned out and held to use, rent or profit as herein heretofore, or may hereafter be provided by law.

SEC. 29. School funds collected from taxes levied by the City Council, or from the sale of real property belonging to the Warsaw School District, shall be paid out on the order of the Board. And all moneys and school funds liable to distribution, not being principal, paid into the treasury or coming into the hands of the Treasurer, shall be paid out only on the order of the Board, signed by the Clerk and countersigned by the President, and for all payments made, receipts shall be taken and filed, and in all such orders shall be stated the purposes for which or on what account drawn. And all such orders, together with the receipts of the person to whom paid, shall be filed in the office of the Clerk.

SEC 30. All salaries at any time due to any officers of said City of Warsaw, shall be paid by the City Council in ordinary general vouchers at par, and all such officers shall receive the same in full payment of all such salaries and services due from said city, unless it be for cash paid out by them.

SEC. 31. Said Board shall hold a meeting as soon as practicable after the return of the books of the City Assessor, annually, and shall determine by estimate as nearly as they can, the entire amount of money necessary to be expended in said district, to keep in good condition and operation a sufficient number of free schools for the accommodation of all the children in said district during the ensuing year, over and above the available means arising from the school fund or other sources, and also such additional amount as the Board may think necessary for the exclusive purpose of supplying any deficiency in the fund, for the payment of teachers and for the purpose of extending the terms of schools, after the State or common school fund shall have been exhausted, and shall certify the same to the clerk of the City Council, to be by him laid before said City Council as soon thereafter as practicable, and the City Council shall cause said tax to be levied on all the taxa-

ble property of the citizens of said district and city for that year, and cause the same to be collected in cash as other special taxes are collected, and at the same time. *Provided*, the same shall not exceed the sum of one-eighth of one per cent. on the valuation.

SEC. 32. Any person or persons owning land or residing around or adjacent to said City, within two miles thereof, may with his or their consent be annexed to said Warsaw School District, and school taxes may be levied and collected upon the lands and property of such persons subject to taxation, by the City Collector, in the same manner as school taxes within said district, and said Warsaw School District shall be entitled to all the benefits arising from such annexation as is provided by the general school law of this state, as in the division of school districts; and upon such annexation, said Warsaw School District shall be entitled to receive and may recover of the Township from which any such territory may be taken, a distributive share of the school fund of said Township, in proportion to the number of children under the age of twenty-one years, so annexed be, as to the number remaining in said Township, and also to receive the same distributive share of the State school fund that said Township would have received on account of said children, *provided* said children had remained therein, *Provided*, that all be done in accordance with and nothing in conflict with the school law of the state.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The City Council shall, at least ten days before the annual election in each year, cause to be published in the newspaper publishing the ordinances of the city, a correct and full statement of the receipts and expenditures, from the date of the last annual report, together with the sources from whence the former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards and divisions for making and repairing streets, highways and bridges for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the city.

SEC. 2. The inhabitants of the City of Warsaw are hereby exempted from working upon any road or highway beyond the limits of the city, and from paying the tax in lieu thereof without said limits.

SEC. 3. The Supervisor shall demand the services of all persons who are required to labor on the streets and alleys of the city, at such time and place, and in such manner as the City Council may direct, or the Supervisor shall deem necessary. He shall deliver or cause to be delivered or left at the usual place of abode or business, of any person so required to labor as aforesaid, a written or printed notice, or partly written or printed notice, in such form as the City Council shall prescribe, which notice shall be given at least five days previous to the first day on which he or they are required to labor, requiring such person to appear at such time and place as may be designated, for the purpose of laboring upon the streets and alleys. But a similar notice, published for ten days in the newspaper publishing the ordinances of the city, by the Supervisor, or posted up in three of the public places of the ward or district, shall be deemed a sufficient notice to require all persons to appear

and labor as aforesaid. Upon the neglect of any person to appear and labor as aforesaid, or to pay the tax in lieu thereof, the Collector shall collect from each person, in the same manner as other taxes, the sum of three dollars, with his commission for collecting the same added thereto; or the same may be recovered by suit with costs, as in other cases.

SEC. 4. The County of Hancock shall be exempt from the support of any citizen of said City who may become a pauper; but the City Council shall provide for the support and care of all paupers belonging to the said City, and pass such ordinances and regulations as they shall deem proper, for the purposes thereof. In lieu of the support of paupers, as aforesaid, the real and personal property of the inhabitants of said City shall be exempt from all tax for county purposes.

SEC. 5. All fines, forfeitures and penalties collected for offences committed within said City, shall be paid into the treasury of said City, by the officers collecting the same; and all fines and forfeitures collected of any citizen of said City for any conviction in the Circuit Court, shall be paid over in like manner.

SEC. 6. The City Council shall have power to cause the blocks and lots of the City to be surveyed, platted and numbered in consecutive numbers, from one upwards; and to designate and number all fractional or other lots or blocks in such manner as they may prescribe by ordinance; and such plat, designation or number, when made and duly recorded, shall be a good and valid description of said blocks and lots; to establish, mark and declare the boundaries and names of streets and alleys; to require all additions hereafter made to said City or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the City.

SEC. 7. The City Council shall, in all expenditures for purposes strictly local, expend annually in the several natural divisions of the City, such proportion, as near as may be, of the whole expenditures for like purposes during the same period, as will correspond to the several sums contributed by each division, to the general fund. Street taxes shall be expended in the several wards or districts where the persons paying the same may respectively reside.

SEC. 8. The Supervisor, in addition to the penalties prescribed by ordinance shall, for wilful neglect of duty, be liable to indictment and fine in the same manner as Supervisors under the laws of the State.

SEC. 9. Neither the City Council or Mayor shall remit any fine or penalty imposed upon any person, for a violation of any laws or ordinances of said City, or release from confinement, unless two-thirds of all the Aldermen elected shall vote for such release or remission; nor shall any thing in this act be so construed as to oust any Court of jurisdiction to abate and remove nuisances within its jurisdiction by indictment or otherwise.

SEC. 10. No vote of the City Council shall be reconsidered or rescinded at a special meeting, unless the meeting be called in whole or in part for that purpose, and the Aldermen be notified; and unless at such special meeting there be present as large a number of Aldermen as were present when the vote was taken.

SEC. 11. The Cemetery lots which may be laid out and sold by the City, or private persons for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

SEC. 12. Every ordinance, regulation and by-law imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions, shall, after the passage

thereof, be published in the newspaper publishing the ordinances of the City; and proof of such publication by the affidavit of the printer or publisher of such newspaper, taken before any officer authorized to administer oaths, and filed with the Clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance, regulation or by-law, in all Courts and places.

SEC. 13. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by-law or police regulation made in pursuance thereof, shall be brought in the corporate name. It shall be lawful to declare generally in debt for such penalty, fine or forfeiture, stating the clause of this act, or the by-law or ordinance under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

SEC. 14. In all prosecutions for any violation of any ordinance, by-law or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

SEC. 15. The City Council shall have power to designate one or more Justices of the Peace, in said City, who shall have jurisdiction in any action for the recovery of any fine, penalty or forfeiture under this act, or any ordinance, by-law, or police to the contrary notwithstanding. Such Justice shall have power to impose fines and penalties, not exceeding the amount authorized by the Constitution of the State. There shall be such local Court of civil and criminal jurisdiction as are or may be established by the General Assembly in the cities of the State, in accordance with the Constitution of the State. Such Court shall have jurisdiction over all cases arising under this act, or any ordinance of said City in pursuance thereof, and such other civil and criminal jurisdiction as may be provided by law.

SEC. 16. Execution may be issued immediately on rendition of judgment. If the defendant has no goods or chattels or real estate within the county of Hancock, whereof the judgment can be collected, the execution shall require the defendant to be confined in the county jail or workhouse or City prison for a term not exceeding six months, in the discretion of the Court rendering judgment; and all persons who may be committed under this section, shall be confined one day for each one dollar of such judgment and costs. All expenses incurred in any prosecution for the recovery of any fine, penalty or forfeiture when collected shall be paid into the City Treasury.

SEC. 17. Any person who shall injure or destroy any bridge or any public building or other property belonging to the City, or shall cause or procure the same to be injured or destroyed, shall be subject to a penalty not exceeding five hundred dollars for such offence, to be recovered by the city in an action of debt, and may be imprisoned not exceeding six months in the discretion of the Court before whom such conviction may be had; and such person shall also be liable in a civil action at the suit of the City, for the damages occasioned by such injury or destruction.

SEC. 18. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the City of Warsaw, in any action or proceeding in which said City may be a party in interest.

SEC. 19. All ordinances, regulations and resolutions now in force in the City of Warsaw, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the City Council, after this act shall take effect.

SEC. 20. All rights, actions, fines, penalties and forfeitures, in suit or otherwise,

which have accrued under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

Sec. 21. All property, real, personal or mixed, belonging to the City of Warsaw, is hereby vested in the Corporation created by this act, and the officers of said Corporation now in office shall respectively continue in the same until superseded, in conformity to the provisions hereof; but shall be governed by this act, which shall take effect from and after its passage.

Sec. 22. All ordinances of the City, when printed and published purporting to be by authority of the City Council, shall be received in all Courts and places, without further proof.

Sec. 23. The style of all ordinances shall be — "Be it Ordained by the City Council of the City of Warsaw."

Sec. 24. Any tract of land adjoining said City which may be laid off into blocks or lots, and duly platted according to law, and any tract of land adjoining the City, with the consent of the owner thereof, shall and may be annexed to said City and form a part thereof.

Sec. 25. This act shall not invalidate any legal act done by the City Council of the City of Warsaw, or by its officers, nor divest their successors under this act, of any rights of property or otherwise, or liability which may have accrued to or been created by said Corporation, prior to the passage of this act.

Sec. 26. All officers of the City created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of this City, commit for examination, and if necessary, detain such person in custody over night or the Sabbath, in the watch house or other safe place, or until they can be brought before a magistrate; and shall have and exercise such other powers as conservators of the peace, as the City Council may prescribe.

Sec. 27. Nothing in this act contained shall be so construed as to deprive the City Council of said City of any powers or authority conferred upon the same, by the act incorporating said City, and the various acts amendatory thereto; but the City Council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such powers and authority are expressly modified or repealed by this act or the acts heretofore mentioned; and the City officers shall be elected and appointed in the same manner under the provisions of this act, as they were under the original act of incorporation of said City, except the City Marshal, who shall be elected at the same time of the Mayor, annually, by the qualified voters of said city.

Sec. 28. The City Clerk is hereby authorized and empowered to administer any and all oaths, authorized to be taken or administered by or under the provisions of this act.

Sec. 29. This act shall be deemed a public act, and may be read in evidence without proof, and judicial notice shall be taken thereof in all Courts and places.

Approved, Feb. 14, 1859.

REVISED

ORDINANCES

OF THE

CITY OF WARSAW.

REVISED ORDINANCES.

An Ordinance in relation to the Revised Ordinances of the City.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARSAW, That the following shall constitute and be denominated the "Revised Ordinances of the City of Warsaw," and shall be published in book form, properly arranged and divided into chapters, divisions and sections or clauses, with a table of contents and properly indexed; and when so published, with the certificate of the Mayor and City Clerk under the corporate seal of the authenticity of the same, shall be in force, and shall be received in all courts and places without further proof.

All public or general ordinances, or parts thereof, not included herein, shall be repealed so far as they may conflict with the provisions hereof: but no fine, forfeiture, penalty, right, action, suit, debt or other liability whatsoever, created, instituted, incurred or accrued by or under the same, shall be released, discharged, annulled, repealed, or in any wise affected, but may be prosecuted, recovered or enjoyed, or any suit or other proceeding be commenced or completed thereon, as fully and in the same manner in all respects as if such ordinance or part thereof had remained in full force.

PASSED, July 26, 1859.

CHAPTER I.

ACCOUNTS.

An Ordinance in relation to Accounts.

SECTION. 1. No account or claim against the City of Warsaw, except for the salaries of city officers, or for the payment of a special contract made by the City Council, or by some officer of the city authorized by the City Council or by ordinance to make the same; or for the payment of the fee bills of officers of courts, shall be considered, audited or allowed, or any warrant issued for the payment thereof, unless the person presenting the same, or some other credible person for him, shall make oath before the Mayor or City Clerk, upon the presentation or filing of such claim or account, "that it is true, just, correct and reasonable:" and no claim or account against the city, upon any contract made or incurred by any officer by authority of the City Council, or of any ordinance, shall be considered, audited or allowed, or any warrant issued for the payment thereof, unless accompanied with the certificate of the officer by whom or under whose authority the same was incurred or contracted, stating "that he has examined such account or claim, and verily believes that it is true, just, correct and reasonable, and in accordance with the contract."

PASSED, June 20, 1859.

CHAPTER II.

ADDITIONS.

An Ordinance in relation to Additions.

SECTION 1. Any addition which may be made to the city, or any lands adjoining or within the same which may be laid out into lots or blocks, shall be so laid out, surveyed and platted, as that the blocks or other subdivisions shall conform to the regular blocks of the original town plat, or with the regular blocks of the addition adjoining such land or addition proposed to be laid out, and the streets and alleys shall correspond with, and conform to the previously established streets and alleys with which they may connect, and continue the same.

SEC. 2. Any surveyor or other person, who shall survey or plat any addition to the city, or any lands adjoining or within the same into blocks or other sub-divisions with the streets, alleys or blocks laid out contrary to the preceding section, or any owner of any such lands or addition, or agent of such owner causing the same to be done, shall be subject to a penalty of not less than one hundred dollars, and such owner or his agent shall be subject to an additional penalty of not less than fifty dollars for each lot sold by him.

SEC. 3. When any person may wish to lay out or plat any addition of lands adjoining or within the city in any other manner than is herein prescribed, he may

apply to the City Council, designating the manner in which he proposes to lay out and plat such addition or lands, and upon the approval thereof by the City Council, such lands or addition may be so laid out and platted, and shall not be deemed a violation hereof.

Passed June 20, 1859.

CHAPTER III.

APPROPRIATIONS

An Ordinance in relation to Appropriations.

SECTION. 1. The City Council shall as soon as it is practicable after the commencement of each fiscal year, and before the first Monday of August, annually, pass an ordinance making appropriations for the general and contingent expenses of the city government during the ensuing fiscal year, and for the payment of the debt of the city and the interest thereon falling due during the year. The appropriations for street improvements and other local purposes in each of the wards of the city, shall be proportioned among the several wards according as near as may be to the amount of taxes collected in such ward for general purposes. But the total appropriations made by the City Council during any fiscal year, shall not exceed the whole amount of the ordinary revenue of the city for the year immediately preceding.

SEC. 2. No contract shall be entered into, or public work ordered by the City Council, requiring an appropriation of money for the payment or completion thereof, or any appropriation of money be made for any purpose, unless a majority of all the members elected, upon the call of the "yeas" and "nays," shall vote for the same.

SEC. 3. When any appropriation to any specific fund shall be exhausted, the City Clerk shall without delay notify the City Council thereof, and he shall not thereafter draw any warrant against such fund until the further orders of the City Council; nor shall the City Council thereafter make any further appropriation payable out of such fund.

Passed, June 20, 1859.

CHAPTER IV.

AWNINGS.

An Ordinance in relation to Awnings.

SECTION 1. All awnings over any sidewalk in the city, shall be securely constructed, and shall be elevated at least eight feet at the lowest part above the sidewalk, and shall not project over the sidewalk to exceed three-fourths of the width thereof; they shall be securely supported by iron brackets, or by an iron frame

work firmly attached to the building, so as to leave the sidewalk wholly unobstructed; any awning already erected in a different manner than is herein prescribed, shall not be repaired under a penalty of not less than ten dollars; and the Mayor or the City Council, may order and require such awning to be removed, or to be made to conform to the requirements hereof, upon ten days' notice being given thereof, by the Marshal or Supervisor.

SEC. 2. Whoever shall erect or cause to be erected any awning, contrary to the requirements hereof, or shall suffer or permit any awning in front of any premises owned or occupied by him to be in such condition as to be insecure, or dangerous to the safety of persons passing under the same, shall be subject to a penalty of not less than five dollars.

SEC. 3. Whoever shall not remove any awning or awning posts already erected contrary to the requirements hereof, or shall not make any such awning to conform to the requirements hereof, within ten days after notice by the Marshal or Supervisor, in pursuance of the order of the Mayor or of the City Council, shall be subject to a penalty of not less than five dollars, and to an additional penalty of not less than one dollar, for each day such awning shall remain after the expiration of such notice.

SEC. 4. Any awning which may be constructed contrary to the provisions hereof, or which shall not be removed or be made to conform to the requirements hereof after ten days' notice as herein required, or which shall be in such a condition as to be insecure, or dangerous to persons passing under the same, is hereby declared a nuisance; and the Supervisor, Marshal or any police constable, shall remove or cause to be removed, and the costs of such removal may be collected of the owner of such awning, or person using the same, or causing it to be erected, and recovered by suit in the name of the city before any court having jurisdiction.

Passed, June 20, 1859.

CHAPTER V.

BRICKS.

An Ordinance relating to the size of Bricks.

SECTION 1. That all merchantable bricks hereafter made to be sold within the City of Warsaw, in the ordinary course of manufacture and sale, and to be used therein, shall be eight and a half inches long, four and a fourth inches wide, and two and a fourth inches thick when moulded; and every person who shall manufacture or shall sell as aforesaid, any bricks of less dimensions than aforesaid, shall forfeit and pay to the City, for each offense, not less than one, nor more than one hundred dollars.

Passed, June 20, 1859.

CHAPTER VI.

BURYING GROUNDS.

An Ordinance relating to Burying Grounds.

SECTION 1. Any Cemetery or Burying Grounds which may hereafter be established within two miles from the intersection of Main and Sixth street, is hereby declared a nuisance; nor shall any person bury any human body in any Burying Ground or Cemetery, which may be hereafter located within said limits, under a penalty of not less than ten dollars, for each body which may be so interred in such Cemetery or Burying Ground.

Passed, June 20, 1859.

CHAPTER VII.

CEMETERIES.

An Ordinance relating to Cemeteries.

SECTION 1. That any person who shall break down, deface, hack, or in any manner injure the fence or enclosure of any Cemetery within the city limits of the City of Warsaw, or who shall tear down, deface, or in any manner injure any lot, enclosure, tomb stone, material erected at any grave, or any shrub-bush, flowers, or other thing or ornament within each Cemetery, or who shall cut, hack or deface any tree or shrub, post, or in any manner injure the same, or any other thing of, standing on, or being within such Cemetery, or who shall in any manner injure the grass, herbage, streets, walks, ornaments, or other thing of such Cemetery, whether belonging to the city, or private property, or who shall leave open any gate of the enclosure of the same, or of any private burial place therein, the same being done wilfully, negligently, or carelessly, or who shall therein engage in any sports or amusements, or who shall turn any beasts or animals therein, or who shall therein congregate for sports, playa or amusements, or who shall therein conduct in a boisterous, rude or indecent manner, or ill-treat any person therein, or therein use profane or indecent language, or in any manner disturb therein any burial party, or individual there being for lawful purpose, shall forfeit and pay to the City of Warsaw for every such offience, a sum not less than one, nor more than one hundred dollars.

Any person giving information against individuals violating this ordinance, shall on conviction of the person informed against, be entitled to and receive one half of the penalty assessed and collected.

Passed, June 20, 1859.

CHAPTER VIII.

CENSUS.

An Ordinance providing for the Census of the City.

SECTION 1. The City Marshal shall, before the first day of October, preceding

each regular session of the Illinois Legislature, make out an enumeration of the inhabitants of the City, and return the same, duly certified, on or before said day, into the office of the City Clerk.

SEC. 2. The census shall be taken in each ward separately, in a suitable book or books properly ruled and headed, and shall show separately the number of males and females under five years of age; the number over five and under twenty-one; the number over twenty-one and under fifty; and the number over fifty; the block on which they reside, and the number of negroes or mulattoes, and persons of foreign birth. The census shall also show the number of buildings in each block, exclusive of out-buildings, and the number not situated on blocks, and the materials of such buildings; the number of manufactories and business houses of all kinds; the amount of capital invested in each, the amount of business done annually, and the number of persons or employees employed or engaged therein; the number of school houses, colleges, churches, and other public buildings, and the estimated value of each; and such other statistics and information as the City Council may direct.

SEC. 3. The Marshal shall call at each dwelling, manufactory, or place of business, and enquire of the head or some member thereof, or person connected therewith, who can inform him, and ascertain the facts herein required; but if no such person can be found he shall list them from the best information he can obtain. He shall register the names of all heads of families and of all persons not belonging to any family; and under the head of the family, all persons residing therein, whether as boarders or otherwise, so that they be residents of the city, shall be enumerated. He shall register in a separate column, the names of all male persons of twenty-one years of age and upwards, in each ward, making the letter "c" opposite the names of colored persons.

SEC. 4. Each column shall be added up and the amount carried forward, so as to show the total number or amount of each class, and the totals of each class shall be added up so as to show the totals of all classes.

SEC. 5. Any person who shall when requested, refuse to give to the Marshal, while he may be engaged in taking the census, any information within his knowledge in relation to any of the facts herein required, or shall knowingly give any false information thereto, shall be subject to a penalty of five dollars.

Passed, June 20, 1859.

CHAPTER IX.

DOGS.

An Ordinance in relation to Dogs.

SECTION 1. No dog or bitch shall run at large in the city, unless the owner or keeper thereof shall place and keep upon the neck of such dog or bitch, a substantial metallic or leather collar with a metallic plate affixed thereto, upon which the name of the owner shall be legibly inscribed, under a penalty of not less than three dollars.

SEC. 2. The owner or keeper of any dog or bitch, shall without delay after

the due publication hereof, or as soon as any dog or bitch shall come into his possession, and annually thereafter before the first day of June in each year, give his name, with the name and description of his dog or bitch to the City Marshal, who shall register the same in a suitable book kept for that purpose, and shall stamp upon or affix to the collar of the dog or bitch thus registered, the letter "R," and the year of the registry; and he may charge and receive a fee of twenty-five cents for each dog or bitch registered by him; but he shall not be entitled to any fee for registering any dog or bitch, registered after the first day of January in each year. Whoever shall not comply with the requirements of this section, shall be subject to a penalty of not less than three dollars.

SEC. 3. When danger of hydrophobia may be deemed to exist in or near the city, the Mayor or City Council may, by proclamation, or by notice in the daily newspapers in the city, or by printed handbills, require all persons to confine all dogs and bitches, or securely muzzle them with a wire muzzle, for such time as may be designated in such proclamation or notice, or until otherwise ordered; all dogs or bitches found running at large in the city, contrary to the provisions of this section, whether owned or kept within or without the city, shall be destroyed by the City Marshal or any Police Constable, and the owner or keeper of any such dog or bitch, who shall knowingly permit the same to run at large, contrary to the provisions of this section, shall be subject to a penalty of not less than five dollars.

SEC. 4. The Marshal and Police Constable shall prosecute the owner or keeper of any dog or bitch, permitting the same to run at large contrary to the requirements hereof, and shall kill or destroy all dogs or bitches found running at large and not registered and collared as is herein required, and for which no owner or keeper can be found upon reasonable inquiry; but the provisions hereof, except the third and fifth sections, shall not apply to any dog or bitch brought into the city by any person not a resident thereof, until such dog or bitch shall have been in the city for three days.

SEC. 5. Any bitch running at large while in heat, is hereby declared a nuisance, and the owner or keeper of such bitch, so permitting the same to run at large while in heat, shall be subject to a penalty of not less than five dollars, and the Marshal or any Police Constable shall destroy such bitch.

SEC. 6. The City Marshal and Police Constables, shall receive fifty cents for each dog or bitch destroyed by them, and removed beyond the city, to be collected or recovered of the owner or keeper of such dog or bitch, if known, and if not, to be reported to the City Council upon oath for allowance, and payment from the city treasury.

SEC. 7. The City Marshal or any Police Constable may with the concurrence of the Mayor, employ at his own cost, and on his own responsability, such assistants as may be necessary to aid in the execution of the requirements hereof, and they may adopt any mode that may be deemed best to accomplish the destruction of dogs and bitches, and shall, without delay, cause all dead dogs and bitches to be removed beyond the city, so as not to be or become a nuisance to any body.

SEC. 8. The City Marshal and Police Constables shall, from time to time or when required by the City Council, report the number of dogs registered, the amount of fines collected, and the number of dogs killed under the provisions hereof.

SEC. 9. Whoever shall hinder, delay, resist, or obstruct any officer or his assist-

ants, in the execution of any duty herein required, or shall aid or abet the same, shall be subject to a penalty of not less than five dollars.

SEC. 10. Any officer, assistant, or other person who shall destroy any dog or bitch collared and registered or muzzled as is herein required, or shall bring, or entice, or cause to be brought or enticed, any dog or bitch into the city for the purpose of destroying the same, or shall entice any dog or bitch out of the premises of the owner or keeper thereof for such purpose, or shall molest or seize any dog or bitch while being led or held by any person; or shall remove the muzzle or collar from any dog or bitch, or shall throw or place or cause to be thrown or placed any poisonous meat or other poisonous substance, into any private enclosed premises, shall be subject to a penalty of not less than ten dollars in each case.

SEC. 11. Any owner or keeper of a fierce or dangerous dog or bitch, who shall knowingly permit the same to go at large to the danger, annoyance or damage of any person within the city, shall be subject to a penalty of not less than five dollars for the first offence, and not less than ten dollars for the second offence; and upon a second conviction, the Marshal or any Police Constable shall cause such dog or bitch to be destroyed.

Passed, June 20, 1859.

CHAPTER X.

ELECTIONS.

An Ordinance in relation to Elections.

SECTION 1. A general election for all elective city officers, shall be held in each ward of the City, on the first Tuesday of April in each year, at such place as may be designated by the City Council. The City Clerk shall give at least six days' notice of any election, by posting up written or printed notices thereof, in at least three of the most public places of the ward, or by publishing for six days at least an advertisement in the newspaper publishing the ordinances of the city, stating the time and place of holding the election, and the officers to be elected. Special elections shall be held and conducted and notice thereof given in the same manner as general elections.

SEC. 2. The City Council shall annually, at least eight days before the charter election, appoint by ballot in each ward, three legal voters thereof, to act as judges of election for the year for which they are appointed, or during the pleasure of the City Council. The City Clerk shall without delay after such appointment, make out and deliver to the Marshal a certificate of appointment under the corporate seal, to each of the persons appointed judges; and the Marshal shall deliver such certificate to each person appointed, within three days after their appointment. The City Council may, at the time of appointing the judges of elections, appoint from the legal voters of the ward, an alternate in the place of each of the persons appointed as judges; and such alternates may serve as judges in case of neglect or refusal of any of the persons appointed as judges to act; and they shall be notified of their appointment as alternates in like manner as the judges.

SEC. 3. If any judge of election shall refuse to act or shall not attend at the

time affixed for the opening of the polls, the vacancy shall be filled by the alternate; or if no alternate shall attend, by a legal voter of the ward to be chosen by the majority of judges or alternates in attendance. If no majority of judges or alternates shall attend, a majority of the legal voters of the ward in attendance, may choose the requisite number of judges in like manner. But all the judges shall not in any case be chosen from the same political party, unless the persons who may be the first so chosen or appointed, shall neglect or refuse to serve.

SEC. 4. The Judges shall choose two legal voters of the ward to act as Clerks of elections, who shall be Clerks of elections during the pleasure of the Judges. But no person holding any office under the United States,* the State or the City, or candidate for any State or City office, shall be a Judge or Clerk of any city election.

SEC. 5. The Judges and Clerks shall severally before opening the polls or receiving any votes, take and subscribe an oath or affirmation, which shall be affixed to the poll list, and may be in the following form—to wit:

"We do solemnly swear (or affirm), that we will perform the duties of judges and clerks of this election according to law and to the best of our abilities, and that we will studiously endeavor to prevent fraud, deceit and abuse, in conducting this election.

Signed,

A. B., C. D., E. F., } Judges.

G. H., I. K., } Clerks.

Sworn to and subscribed before me at Warsaw, this ——— day of ——— A. D., 185—.

P. B., City Clerk or J. P.

If no officer authorized to administer oaths shall be present at the opening of the polls, any judge may administer the oath to the other judges, and to the clerks, and one of the judges so sworn, may administer the oath to him. The oath when thus administered shall be certified by the judge administering the same. No returns shall be invalid or rejected, for any defect in the manner of administering or certifying the oath.

SEC. 6. If any judge or clerk after entering upon his duties, shall, by sickness or other disability, be unable to continue to act, another may be appointed in his place by the judges. In such case the person substituted shall take and subscribe the oath as hereinbefore required, and the substitution and the time thereof shall be noted on the poll lists.

SEC. 7. At all elections the polls shall be opened at eight o'clock, A. M., or as soon thereafter as the judges and clerks shall be qualified, and shall be kept open until six o'clock, P. M., except that the judges may adjourn one hour for dinner. When opened, proclamation shall be made "that the polls are now open."

SEC. 8. A ballot box with a lock and key, and an aperture in the top thereof

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*"Nor shall any person holding an office of honor or profit under the government of the United States, hold any office of honor or profit under the authority of the state."—State Constitution, Art. III, Sec. 29. See People vs. Dickson, 17 Ills. Rep. 191.

not larger than will admit a single folded ballot, shall be provided for the use of the judges of each ward by the City Clerk. Before receiving any vote the box shall be publicly opened and examined by the judges to see that there is no ballot therein, and shall then be publicly closed and locked and the key taken by one of the judges.

SEC. 9. The City Clerk shall provide two poll lists for each ward with columns ruled for the name and number of each voter. The poll lists may be in the following form, to wit:

Poll list of voters in the ——— ward of the city of Warsaw at the charter (or special) election held at ——— in said ward on ——— the ——— day of ———, A. D. 185—, as follows, to wit:

No.	Names of Voters.	No.	Names of Voters.
1	A. B.	24	W. X.
2	C. D.	25	Y. Z.

The clerk of election shall keep the poll lists and shall write down the names and number of voters in the order in which they vote, marking the letter "S." opposite to the names of all persons who may be challenged or sworn. They shall also keep in a separate list the names of all persons whose votes are rejected; and the ballots offered by such persons shall be kept by the judges with the name of the person endorsed thereon.

SEC. 10. The mode of voting shall be by ballot. The ballot shall consist of a single piece of white paper, on which shall be printed, or written, or partly both, the name of each person voted for, with the name of the office to which the voter wishes him elected, and without any marks or figures on the back thereof intended to designate one ballot from another.* The ballot shall be folded by the voter, and if received, placed in the ballot box by the judges; but any person may vote an open ballot if he chooses. The judges shall not open or examine any ballot offered, except so far as to ascertain whether it be single or not; and if any ballot shall be discovered to be double it shall be rejected, and the person offering the same shall not vote at that election. Nor shall the judges mark any ballot except when the vote of the person offering it is rejected.

SEC. 11. Every white male citizen of the United States of the age of twenty-one years, and every white male inhabitant of the age aforesaid, who was a resident of this State on the first day of April A. D. 1848, who has actually resided in this State one year, and in this City one month, and in the ward in which he pro-

*Under the state election law of 1849, which provides that "no ballot shall be received or counted unless the same is written or printed upon white paper, without any marks or figures thereon intended to distinguish one ballot from another," where, upon an election being held, some of the ballots were rejected on account of the blue lines ruled in the paper by the manufacturer, and the bluish tint of the paper, it appearing that the ruled lines were not marks placed upon the ballots for the purpose of distinguishing one from another, but that the paper was casually used — it was held that the ballots were upon white paper within the meaning of the law and should not have been rejected, and having been once received by the judges without objection, their rejection afterwards, for that cause, would be a fraud upon the voters. People vs. Killduff, 15 Ills. Rep. 500.

poses to vote, for five days next preceding the election, shall be entitled to vote in said ward. All persons shall be deemed residents of the ward in which they are accustomed to lodge.

SEC. 12. The judges or any legal voter of the ward shall have the right to challenge any vote. When any person offering to vote shall be challenged, and shall not be able to prove by competent evidence, that he is legally entitled to vote, to the satisfaction of the judges and the person challenging, the judges shall cause to be administered to him the following oath:

"I swear (or affirm) that I am of the age of twenty-one years, that I am a citizen of the United States, or was a resident of this State at the time of the adoption of the Constitution,) [April 1st, 1848,] and have been a resident of this State one year, and a resident of this City one month immediately preceding this election, and am now and have been for the last five days past, a resident of this ward, and have not voted at this election."

If any person challenged shall refuse to take the oath, his vote shall be rejected. If he shall take the oath, his vote shall be received, unless his vote shall be proved to be false, to the satisfaction of a majority of the judges.*

SEC. 13. In case it shall be necessary to suspend the voting, or to adjourn for dinner before the polls are closed, or to adjourn the canvassing of the ballots after the polls are closed, in either case the ballot box shall be publicly opened in the presence of all the judges, and the poll lists placed therein. The ballot box shall then be taken and sealed, and the opening in the top sealed by the judges, and the box delivered to one of the judges and the key to another, to be so kept until the re-opening of the polls, or until they shall meet for canvassing the ballots.

SEC. 14. The clerks shall, from time to time, and at the closing of the polls, examine and compare their poll lists and correct all errors therein, under the direction of the judges, until they shall correspond. When the polls are finally closed, the judges and clerks shall proceed to canvass the ballots, and shall first count all the ballots unopened, except so far as to ascertain whether a ballot be single or not; if two or more ballots be found folded together they shall be rejected. If, after counting the ballots, and rejecting such as are double, the number of ballots received shall exceed the number of votes polled, the judges shall replace the ballots in the box, and after shaking them up, draw out by lot and destroy the number of the excess.

SEC. 15. In canvassing the ballots, the clerk shall mark down the votes each candidate receives, and the office which he is voted for in the ballot as the ballots are read by the judges. If any ballot shall contain a greater number of names of persons voted for, for any office than there are persons to be elected to that office, it shall be void so far as that office is concerned. No ballot shall be rejected if the judges can determine to their satisfaction the person intended to be voted for, and the office which the voter intended he should fill. If two or more ballots shall be found folded together they shall all be rejected: or if any ballot shall have any mark or figure on the outside thereof, intended to designate one ballot from another, it shall be rejected. The ballots shall, when the count is finished, be placed in the ballot box and sealed up and returned to the city clerk with the returns. The list

*When a vote is tendered at an election and the oath required by law is taken and not proven to be false—by evidence satisfactory to a majority of the judges—they have no discretion, but must receive the vote. Spragins vs. Houghton, 2 Scam. Rep 408.

of rejected votes, and the rejected ballots, shall also be sealed up in a separate envelop and placed in the ballot box with the ballots.

SEC. 16. The clerks shall each make out returns of the election, by writing in full the name of each person voted for, the number of votes received by him, and the office for which he was voted for. The returns may be in the following form:

"At an election held at ———, in the ——— ward of the city of Warsaw, on ——— the ——— day of ——— 185—, the following named persons received the number of votes set opposite to their respective names, for the following described offices, to wit:

A. B. had one hundred votes for mayor,

C. D. had ninety-nine votes for mayor,

(*And so on through the whole list of officers voted for.*)

Certified by us at Warsaw, this —— day of —— 185—.

A. B.,
C. D.,
E. F.,
} Judges.

G. H.,
I. K.,
} Clerks.

SEC. 17. Upon completing the returns, the judges shall enclose them in two envelops with a poll list in each, and shall seal and direct them to the "City Clerk of the city of Warsaw," marked "ELECTION RETURNS." The judges shall then choose one of their number who shall deliver one of the returns with the ballot box and the ballots to the City Clerk within three days. The other return shall be given to another of the judges who shall keep it at least one year. If any judges of elections chosen to deliver the returns and ballot box and ballots to the City Clerk, shall not deliver the same safely, with the seal unbroken, within three days after the election, he shall be subject to a penalty of not less than fifty dollars.

SEC. 18. When all the returns shall be filed with the City Clerk, he shall, without delay, notify the Mayor or any two Aldermen thereof, who shall immediately call a meeting of the City Council. The City Clerk, in the presence of the City Council, shall open the several returns and canvass the same, and, when finished, the City Council shall declare the result,* and the Clerk shall enter the same at full on the journals, naming each person voted for, the number of votes he received, for what office, and who is elected.

SEC. 19. When two or more candidates for any elective office shall have an equal number of votes for such office, the election shall be determined by the casting of lots in the presence of the City Council, in the manner following. There shall be placed in a ballot box as many folded ballots as there are persons having an equal number of votes. On one of the ballots the name of the office for which the candidates were voted for shall be written, and the other ballot shall have some other word written upon it. The candidates shall each then draw one ballot, and the candidate drawing the ballot on which the name of the office is written shall be

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*When the law requires the judges of elections to make out their returns certified by them—return the same to the City Council or other proper officers who constitute a board of canvassers, the latter can only declare the result as shown by the returns of the judges, and, unless the election is contested, can not pass upon the qualifications of voters or recanvass the ballots and reject any of them. People vs. Killduff, 15 Ills. Rep. 500.

declared elected. If any candidate shall be absent, or shall refuse to draw a ballot, the City Council shall appoint one of their number to draw for such candidate.

Sec 20. The City Clerk shall, within three days after any person is declared elected to an office, deliver to the Marshal a written notice, directed to the person elected, notifying him of his election, naming the office to which he has been declared elected, and requesting him to qualify within twenty days after such notice. The Marshal shall, without delay, deliver the notice to the person to whom it is directed.

Sec. 21. The City Marshal and all other police officers shall attend at all elections, for the purpose of maintaining order and keeping the peace. The judges shall preserve order at the polls and may command any police officer in attendance to arrest any person who shall disturb the peace by riotous or disorderly conduct. Any person who shall at the polls break or disturb the peace, or conduct himself in a riotous or disorderly manner, shall be subject to a penalty of not less than five dollars.

Sec. 22. If any person shall illegally vote or attempt to vote at any election, or being a legal voter shall vote or attempt to vote a second time at the same election, or shall knowingly vote or attempt to vote more than one ballot at an election, he shall in each case be subject to a penalty of not less than fifty dollars.

Sec. 23. Whoever shall aid, abet, or encourage any person to vote or attempt to vote illegally at any election, shall be subject to a penalty of not less than fifty dollars.

Sec. 24. Any judge of elections who shall refuse to receive the vote of any legal voter who shall take or offer to take the oath herein required, unless there shall be evidence satisfactory to a majority of the judges that the vote of such person is clearly illegal, or who shall receive the vote of any person challenged who shall refuse to take the oath herein required, shall, in each case, be subject to a penalty of not less than fifty dollars.

Sec. 25. Any judge or clerk of elections who shall knowingly admit or receive any illegal vote, or shall knowingly permit any person to vote more than once at the same election, or to vote more than one ballot, or shall be guilty of any fraud, corruption, partiality, or manifest misbehaviour in the discharge of the duties required of him, or shall wilfully neglect or refuse to discharge or perform any duty herein required, shall, in each case, be subject to a penalty of not less than fifty dollars.

Sec. 26. Whoever shall, at any election, by force seize or attempt to seize, or carry away any ballot box or poll list, shall be subject to a penalty of not less than one hundred dollars.

Sec. 27. If at any election any ballot box shall be carried away or destroyed so that the ballots therein cannot be counted, the election shall be void and the City Council shall order a new election.

Sec. 28. Any candidate for an elective office who shall desire to contest the validity of any election, or the right of any person declared elected, to hold the office to which he claims the right, shall within ten days after the election give notice of his intention in writing, to the person whose election he intends to contest; or if such person can not be found, he shall leave a similar notice at his usual residence, stating in such notice the specific reasons for which his election will be contested. He shall also notify the City Clerk of his intention to contest such election, by filing a copy of the notice with him; and the City Clerk shall not,

after the filing of the notice with him, issue any certificate of election to the person whose election is contested. The City Clerk shall report such notice to the next meeting of the City Council, and the City Council shall fix a time for the hearing and examining into such contest within thirty days; and at the time specified shall hear and examine all the testimony under oath if required which may be offered by both parties touching the case, and shall determine who is entitled to the place contested by a vote upon a call of the "yeas" and "nays," and the City Clerk shall enter the determination at full upon the journal.

SEC. 29. If the election to the office of Mayor is contested, and the person whose election is contested is in possession of the office, the City Council shall choose one of their number as presiding officer, until the contest shall be determined.

SEC. 30. The Mayor or presiding officer of the City Council shall issue warrants under the corporate seal for all witnesses that may be required, and deliver the same to the City Marshal, who shall serve the same by reading, or by delivery of a copy thereof to the person summoned, and shall make return in what manner he has executed the same; and any person who shall neglect or refuse to appear or to testify when so required and summoned, shall be subject to a penalty of not less than twenty-five dollars, and may be compelled to appear or to testify in any other legal manner. When any witness may be unable to attend from sickness or other cause, or is beyond the jurisdiction of the City Council, his deposition taken in accordance with the laws of the State may be read in evidence.

SEC. 31. Judges and clerks of elections shall each be entitled to receive one dollar for each day they may be actually engaged in holding and conducting any election; and the City Clerk may draw his warrant on the Treasurer for the same in favor of the person entitled thereto.

CHAPTER XI.

FIRE DEPARTMENT.

An Ordinance Organizing the Fire Department.

DIVISION I.—OF THE ORGANIZATION, ETC., OF FIRE DEPARTMENT.

SECTION 1. The fire department of the city shall consist of the Mayor, the Aldermen, the City Marshal, a chief Engineer and two assistant Engineers; and such members of organized fire companies as may, from time to time, be appointed and confirmed by the City Council.

SEC. 2. The City Council may, from time to time, procure the necessary engines, hose, hooks and ladders, buckets, and other fire apparatus for the use of the fire department, and shall provide convenient places for the safe keeping thereof; and such fire apparatus shall be kept in the best order for immediate use, by the officer, person, or company having charge of the same; and who, when any such apparatus may need repairs, shall, without delay, notify the Mayor thereof, who shall immediately cause all necessary repairs to be made.

SEC. 3. The Mayor, or in his absence, the chairman of the committee on fire and water, shall have and exercise a general supervision over the fire department; and he shall report to the City Council quarterly, on the first Mondays of January, April, July and October in each year, or oftener if required or necessary, the condition of the engines, hose, hooks and ladders, buckets and other fire apparatus which may belong to the fire department, and of the buildings in which they may be kept, and shall recommend such additions, improvements or alterations as may be deemed expedient or necessary. He shall also examine into the condition of such fire companies as may belong to the fire department, and report whether their organization is efficiently preserved, their records properly kept, and their by-laws duly observed by the members, and a non-compliance therewith strictly enforced by the company. He shall also, from time to time, report the names of such persons as may have been admitted members of any organized fire company, for confirmation by the City Council, and shall report to the City Council the names of such officers or members of the fire department as have disobeyed orders, or neglected or refused to perform any duties required of them.

SEC. 4. The chief Engineer of the fire department, or, in his absence, the assistant Engineer, who may first be in attendance at any fire, shall take the command, and all officers and members of the fire department, and by-standers, shall observe and obey the orders and directions of the officer in command. The Aldermen shall report themselves at each fire to the officer in command, and shall aid and assist in procuring supplies of water for the engines or buckets, in forming lines for the passage of water, in preventing the hose from being trodden upon, in keeping all idle or suspicious persons, or persons not usefully employed, out of the way and from the vicinity of the fire, and in preserving and protecting property from damage or loss by fire or theft.

SEC. 5. The City Marshal and all other police officers of the city, shall, at each fire, without delay, report themselves to the officer in command, and remain and be subject to his orders and directions, in preserving and protecting property, and in aiding in extinguishing the fire, and in discharging police duty. The Supervisor shall also report himself at each fire, and shall, as far as in his power, preserve and protect any planked street or sidewalk from injury. If the Marshal, the Supervisor, or any police officer shall neglect to attend at any fire, without a satisfactory excuse, or shall refuse or willfully neglect to perform any duty herein required of him, he shall be subject to a penalty of not less than five dollars.

SEC. 6. The firemen may be divided into companies of enginemen, hosemen, hook and ladder men, and bucket men. Each company may adopt such organization and choose such officers, subordinate to the ordinances of the city, as may be deemed best calculated efficiently to accomplish the objects and purposes contemplated, and may be composed of not less than thirty, and not exceeding sixty active members, or such number as the City Council may, from time to time, prescribe. The several fire companies shall have the charge and custody of such engines and other fire apparatus as may be delivered to them, and of the buildings in which the same may be kept, and shall cause all such fire apparatus to be kept and preserved in the best order for immediate use.

SEC. 7. Upon an alarm of fire, the different fire companies, under the command of their proper officers, shall repair to the place of the fire with their engines or other fire apparatus, and there work and manage the same under the direction of the officer in command, or in his absence, place and manage the same in the most

effectual manner until the fire is extinguished. No fire company shall leave any fire, or shall remove their apparatus therefrom, without the order or permission of the officer commanding; and when the same is given, shall return their engines or other fire apparatus well cleansed and in good order to the place of deposit.

Sec. 8. No person shall use any fire apparatus for any private purpose; nor shall, without authority, remove the same from the place of deposit thereof, under a penalty of not less than five dollars; and no person having charge of any fire apparatus shall permit the same to be used for any private purpose, under a penalty of not less than five dollars, besides being personally liable for all damages that may occur thereby.

Sec. 9. The active and working members of any fire company shall be exempt from serving upon any jury, or working upon the streets and alleys, or paying any tax for the same. Each company shall, from time to time, cause to be returned to the Mayor, to be reported by him to the City Council, the names of persons who have been admitted members of such company, and the names of such as have been dismissed from or ceased to be members of such company. And each company shall, on the first Monday of July, annually, cause to be returned to the Mayor, to be reported by him to the City Council, a correct list of all the active and working members then actually belonging to such company. The City Clerk shall keep a register of the names of the active and working members of any fire company, and the evidence to entitle any member to the exemption herein named shall be the clerk's certificate, under the corporate seal, for the year for which the exemption was claimed.

Sec. 10. The officer in command at any fire, may direct the tearing down or removal of any building, erection, or fence, for the purpose of checking the progress of the fire; and with the concurrence of two Aldermen, may cause any building or other erection to be blown up during the progress of the fire, if deemed necessary to extinguish or check the same.

Sec. 11. The Mayor or any Alderman, the Marshal, the chief Engineer, or any assistant Engineer, or the officer commanding any fire company, may require all male persons in the city, and all by-standers to aid in drawing or conveying any engine or other fire apparatus to any fire, or to aid in managing and working the same while at any fire, or otherwise assist in extinguishing the fire, or in removing, guarding, and protecting property; and any person who shall neglect or refuse so to aid and assist when so required, shall be subject to a penalty of not less than three dollars.

Sec. 12. Whoever shall, at any fire, wilfully hinder, delay, resist, or obstruct any officer, fireman or other person, in the discharge of his duty, or shall neglect or refuse to obey and observe the lawful commands of any officer, or shall conduct himself in a riotous or disorderly manner, shall, in each case, be subject to a penalty of not less than five dollars.

Sec. 13. The Mayor or any Alderman, or other officer belonging to the fire department, may, and the Marshal and other police officers shall, during any fire, arrest any suspected person, or any person stealing or trespassing upon any property, or any person hindering, resisting or obstructing any officer or other person in the discharge of his duty, or neglecting or refusing to obey the lawful commands of any officer, or conducting himself in a riotous or disorderly manner, and if necessary detain him in custody, or commit him for examination until he can be brought before a competent court or magistrate.

SEC. 14. The commanding officer may, during any fire, prescribe limits in the vicinity thereof, within which no person not residing therein, or not connected with the fire department, or usefully employed in aiding in extinguishing the fire, shall be permitted to come, under a penalty of not less than three dollars; and the Marshal and all police and other officers, shall aid in executing the requirements of this section. The City Marshal may, when necessary, with the concurrence of the Mayor or two Aldermen, appoint, as property guards, such a number of known and reputable citizens of the city, as may be necessary to aid in the guarding, protecting and preserving of property at any fire; and the persons so appointed, shall have and possess the same powers as police officers, during the time they shall so act, and the Marshal shall return a list of such persons to the City Council, and they shall be entitled to receive such reasonable compensation as the City Council may allow.

SEC. 15. Whoever shall willfully, maliciously or negligently break, deface, destroy, or otherwise injure any fire engine or other fire apparatus belonging to the city, or to any fire company, shall be subject to a penalty of not less than twenty-five dollars, and in addition thereto the expenses which may be incurred in repairing the injuries committed shall be added to the penalty and form a part thereof.

DIVISION II.—PRECAUTIONARY REGULATIONS.

SEC. 16. All stovepipes shall be securely put up, so as not to be in danger of falling, and shall lead and be closely fitted into a brick or stone flue or chimney, unless the Mayor, the chief Engineer, or two Aldermen shall deem it to be equally safe if put up otherwise, and shall certify the same in writing. If any stovepipe shall lead otherwise than into a chimney or flue, it shall not pass through any roof, nor the side of any building, nor through more than one ceiling or partition before leading into a chimney or flue, and shall be separated at least three inches from any wood or other combustable material, by a double circle of tin, zinc, or sheet iron connected together with like material, with air holes through the connecting material, between the pipe and the wood. All stoves put up or used without secure aprons or hearths, shall be placed upon a platform of brick, zinc, or other incombustible material, extending far enough around the same to prevent the fire from falling upon the floor, and if set within eighteen inches of the wood work of any wall, the wall shall be protected with a zinc or other incombustible covering so as effectually to prevent taking fire from the stove. All chimneys or flues shall be built of brick or stone, well laid in lime morter, and shall be smoothly plastered on the inside thereof, and shall be constructed in such a manner as that they shall settle with the rest of the building, and not be liable to separate or crack by the settling of the building. The holes for the insertion of stovepipes shall be made with an iron, stone, or earthenware thimble or casing inserted into the chimney or flue, and when the chimney or flue shall be used, such holes, unless also in use, shall be securely stopped with a tin, iron, or zinc stopper, having a flang of at least one inch outside the chimney or flue. No chimney or flue built in any loft shall be used unless there are stairs leading to such loft, or it is otherwise easy of access at all times. Whoever shall put up, erect, or build any stove, stovepipe, chimney or flue, contrary to the requirements of this section, shall be subject to a penalty of not less than three dollars; and whoever shall use any such stovepipe, stove, chimney, or flue, so put up or erected contrary to the requirements of this

section, shall be subject to a penalty of not less than one dollar for each day the same may be so used.

Sec. 17. No person shall carry or use any lighted candle, lamp, or fire in any part of any building, or stable, where any hay, straw or other like combustible materials are kept, without securing the same in a lantern or other secure casing, so as not to endanger the taking fire thereby, under a penalty of not less than three dollars.

Sec. 18. All mechanics or other persons using or occupying shops, buildings or places where shavings or other like combustible materials are made or accumulated, shall clear out and remove such combustible materials from the building, shops or places, and the premises adjacent or attached thereto, as often as may be necessary to prevent the dangerous accumulation thereof. The stove used in any such shop or building shall be set in a box or frame, extending at least six inches above the floor, and at least eight inches around and outside the stove, and filled or lined with fire-proof material; the pipe of such stove shall be carefully put up as is herein required, and all lighted candles or lamps used in any such shops or buildings shall be set in a candlestick or stand, not liable to take fire, and all such lights shall be kept at a secure distance from any combustible material. Nor shall any fire, or other light be left burning therein, when no person may be in such shop or building. Whoever shall not comply with, or shall violate any provision of this section shall, in each case, be subject to a penalty of not less than three dollars.

Sec. 19. No person shall carry from one place to another, any live or burning coals or fire, without securing the same in such a manner as to prevent the coals or sparks from falling or flying therefrom, or otherwise so as not to endanger any building or property thereby, under a penalty of not less than three dollars.

Sec 20. No person shall keep or deposite any ashes in any building, or in any place within twenty feet of any building, shed, fence, or other combustible material, unless within a secure and covered metallic or earthenware or other fire-proof vessel, or in a fire-proof ash house without wood in any part thereof, under a penalty of not less than three dollars; and all soap boilers or other persons using ashes in manufacture in any wooden ash hopper or other wooden structure, shall keep them well dampened or saturated with water, under a penalty of not less than three dollars.

Sec. 21. No person shall stack or deposite any hay, straw or other like combustible materials within one hundred feet of any dwelling house or other building in which fire may be kept, without being so secured and enclosed as to be protected from sparks of fire, under a penalty of not less than three dollars, and a like penalty for each day the same may remain.

Sec. 22. No person, unless it may be raining at the time or the air still, shall set fire to or burn any shavings, straw or other combustible materials in any open or public place in the inhabited part of the city; nor shall any person at any time set fire to or burn any such combustible materials in any open or public place between the hours of nine o'clock, A. M. and five o'clock P. M., or within thirty feet of any building or other property likely to be endangered or damaged thereby, under a penalty of not less than three dollars in each case.

Sec. 23. No person shall boil any pitch, rosin, tar, or other inflammable liquid or substance, except within a fire-proof building, or in some open place at least thirty feet distant from any building or property likely to be endangered or damaged thereby, under a penalty of not less than three dollars.

Sec. 24. No person shall make, kindle, or use any fire in any building not fire

proof, or in any shed except in a secure fireplace or furnace made for that purpose; nor shall any person make, kindle, or use any out door fire, when necessary for out door or other work, within twenty feet of any building or other property likely to be endangered or damaged thereby, unless within a secure furnace made for that purpose, nor shall leave any such out door fire burning after ceasing to use the same, under a penalty of not less than three dollars in each case.

Sec. 25. No person shall set fire to or burn out any chimney or flue, except in the day time and when it may be raining or the roof of the house may be covered with snow, under a penalty of not less than three dollars; and the person occupying any building shall cause all chimneys, flues and stove pipes which may be used therein, to be cleaned, swept or burned out at least once during each year, and as much oftener as may be necessary to prevent the dangerous accumulation of soot, under a penalty of not less than three dollars.

Sec. 26. Whoever shall negligently or wilfully make, kindle, use, or leave any fire, or shall deposite, leave, or use any ashes or other dangerous combustible or inflammable material, liquid or substance, or shall leave or use any lighted candle, lamp or gas light, at such a time or in such a manner as to cause damage or injury to any building or other property, or to endanger any building or other property likely to be damaged or injured by such negligent or willful act, shall, in each case, be subject to a penalty of not less than three dollars.

Sec. 27. The owner of any building not covered with fire proof material and exceeding one story in height, shall cause a suitable scuttle or opening to be constructed in the roof thereof, with convenient stairs leading thereto, or shall provide and keep upon the premises a substantial ladder long enough to reach the roof of such building, or shall provide some other convenient means of access to the same, under a penalty of not less than three dollars, and a like penalty for each week he shall fail to comply with the requirements of this section.

Sec. 28. No person shall trail, strew, or leave any shavings, straw or other like combustible materials in, around, or near any building or property, so as to endanger or be likely to endanger or damage the same thereby, under a penalty of not less than three dollars.

Sec. 29. No lumber yard shall hereafter be established within the fire limits; nor shall any mechanic or other person keep on hand, for manufacturing purposes, within the fire limits, more than fifteen thousand feet of lumber at one time, under a penalty of twenty-five dollars in each case; and all persons keeping or having lumber on hand whether within or without the fire limits, shall keep the same piled up or stacked in compact piles, and shall not permit any shavings, straw or other like combustible materials to be deposited or scattered near or around the same, under a penalty of not less than three dollars.

Sec. 30. The Mayor, the Aldermen, the City Marshal and Police Constables, shall be *ex-officio* fire wardens; and they and the chief Engineer and assistant Engineers of the fire department shall have power to enter all buildings and premises to examine whether they are in a safe condition; and shall enforce or cause to be enforced all the provisions hereof, and shall prosecute or cause to be prosecuted all violations of the same; the chief Engineer or one of the assistant Engineers of the fire department shall, during the month of November in each year, examine all the buildings and premises within the city; and shall, from time to time, or whenever requested by the owner or occupant of any building or premises, (or the Mayor or any Alderman, when so requested) shall carefully examine the same or any contig-

uous building or premises, and shall notify and require the owner or occupant thereof liable therefor, to cause any chimney, flue, stove, stovepipe, furnace, ash house, or other place in which fire may be kept or used which may be deemed unsafe or dangerous, or any other cause from which immediate danger of fire may be apprehended, or which may be deemed unsafe or dangerous in causing or promoting fires, to be without delay removed, abated or placed in a safe condition; and upon the neglect or refusal of such owner or occupant to comply with such notice, he shall be subject to a penalty of not less than three dollars, and an officer shall, without delay, cause such building or premises to be placed and put in a safe condition; and the necessary costs thereof shall be collected of such owner or occupant liable therefor, and recovered by suit in the name of the city, before any court having jurisdiction.

DIVISION III.—FIRE LIMITS.

SEC. 31. All that part of the city embraced within blocks numbered eighteen, nineteen, twenty, twenty-one, twenty-four, twenty-five, thirty, thirty-one, thirty-six, thirty-seven, forty-one, forty-two, sixty-six, and sixty-seven, of the original town plat of the town (now city) of Warsaw; and block one in Ralston's addition, with such other parts of the city as may hereafter, from time to time, be added thereto by ordinance, shall constitute and be known as the fire limits.

SEC. 32. No building or part of any building shall be erected within the fire limits, unless all the outside walls and party walls thereof shall be built of stone, brick, or other fire proof material; and all wooden joists, beams, or other timbers, placed in the outside or party walls, shall be separated from each other at least four inches, with stone or brick well laid in mortar, and all wooden lintels or plate pieces, placed in the front, rear, or side walls, shall recede from the outside of the wall at least four inches, or when they shall not so recede shall be covered with fire proof material.

SEC. 33. All roofs and gutters hereafter placed on any brick or other fire proof buildings, already erected or to be erected, shall be covered on the outside surface with copper, tin, iron, or other fire proof material; and all wooden cornices placed upon any such building shall be covered with like fire proof material, and shall be separated from the wooden cornice or other wooden part of any adjacent building, by a brick or other fire proof partition of at least four inches; nor shall any of the outer timbers or woodwork of any such building connect with any of the interior timbers or woodwork; but the roofs, cupolas, or spires of churches or other public buildings, which may stand thirty feet from any other building, or the roofs of buildings already erected and used exclusively for private dwelling houses, may be covered or built with boards or shingles; and sheds with one or more of the sides entirely open, not exceeding ten feet in height at the highest part, and privies not exceeding ten feet square and ten feet in height may be built of wood.

SEC. 34. All outside, end and party fire walls of any brick or other fire proof building shall extend above the roof of such building at least ten inches; nor shall the planking or sheeting of any roof extend across the fire wall of such building.

SEC. 35. No wooden building or part of any wooden building within the fire limits, shall be erected, raised, repaired or enlarged except that buildings built of wood and used exclusively for private dwelling houses may be repaired, but shall

not be raised or enlarged; nor shall any such wooden building or part of wooden building within the fire limits, be removed to any other place within the same; nor shall any such building or part of building be removed into the fire limits, from without the same; nor shall any wooden building within the fire limits which may become damaged to the extent of fifty per cent of the value thereof by fire or other casualty, be repaired or rebuilt; nor shall any such building when the damage thereto is less than fifty per cent. of its value, be so repaired as to be raised higher than the highest point left standing after such damage shall have occurred, or so as to be in a better condition or state of repair than before such damage, or so as to occupy a greater space than before the injury thereto.

SEC. 36. The extent of damage that may be done to any such building by fire or other casualty, may be determined by three disinterested citizens of the city, one of whom shall be selected by the owner of the building or his agent, the second by the Mayor or the majority of the committee on fire and water, and the two so chosen shall select a third, and the decision of the persons so chosen shall be final and conclusive.

SEC. 37. Any owner, builder, or other person who shall own, build, or aid in the erection, raising, enlarging or repairing of any building or part of any building within the fire limits contrary to or in any other manner than is authorized by the provisions hereof; or whoever shall remove or cause to be removed, or aid in removing any wooden building within the fire limits from one place to another within the same, or from without the fire limits into the same, contrary in either case to any provision hereof, or shall otherwise violate any provision hereof, shall, in each case, be subject to a penalty of not less than one hundred dollars, and to a like penalty for each week he shall fail to comply with the provisions hereof or continue in violation of the same, to be sued for and recovered before any court or magistrate having jurisdiction.

SEC. 38. Any wooden building or wooden part of any building which may be erected, raised, enlarged, repaired, or removed, or which may be in a process of erection, raising, enlargement, removal, or repair, contrary in either case to any provision hereof, is deemed and is hereby declared to be a nuisance, and the Mayor shall, upon information of any such violation, give due and reasonable notice to the owner or builder of such building to abate, remedy, or remove the same or such part thereof as may be necessary; and upon his failure to comply with such notice, the Mayor shall, by an order in writing, require the city Marshal to remove or tear down such building or such part thereof as may be necessary; and the city Marshal shall execute the order of the Mayor, and shall report the costs and expenses of such removal upon oath to the City Council for allowance; and such costs and expenses may be collected of the owner or builder of such building, liable therefor, by suit in the name of the city before any court having jurisdiction, or assessed against the premises chargeable therewith, and collected by warrant and sale of the same, in the same manner as in cases of other nuisances.

Passed, July 2, 1859.

CHAPTER XII.

GAMING AND COUNTERFEITING IMPLEMENTS.

An Ordinance in relation to Gaming and Counterfeiting Implements.

SECTION. 1. The Mayor, or any Police Magistrate, the Marshal or any Police Constable shall seize or cause to be seized and brought before any Police Magistrate, or reported to him, any gaming table, implement, instrument, or device, set up or used for the purpose of gaming therewith; or any implements, instruments or devices used for the purpose of gaming, or for counterfeiting, lock-picking, pocket-picking, or for the commission of burglery, or any Mexican puzzle, or other implement or device used by cheats, vagrants and swindlers, and in the possession of any person without his being able to give a good account of the possession thereof. And all such instruments, implements or devices shall be destroyed by the order or warrant of any Police Magistrate, upon his being satisfied that they are used, or to be used, or likely to be used for any unlawful purpose.

SEC. 2. Any Police Magistrate, upon satisfactory information that any gaming table, implement, instrument or device is set up or used for the purpose of gaming therewith, and concealed in any premises, or that any implements, instruments or devices named in the preceding section, are concealed therein, shall issue to the Marshal or any police officer a warrant for searching such premises and seizing and bringing before or reporting to him any such implements, instruments or devices as may be found therein; and the officer, in the execution of such warrant, may enter such suspected premises peaceably, or after demand made and refused to admit him, by force; and may arrest all suspected persons found therein, and shall seize all such unlawful tables, implements, instruments, or devices, and the same shall be destroyed by order or warrant of any Police Magistrate, as is required in the preceding section. And whoever shall hinder, delay, resist, or obstruct any officer in the execution of any duty herein required, or shall aid or abet the same, shall be subject to a penalty of not less than ten dollars.

PASSED, July 2, 1859.

CHAPTER XIII.

GUNPOWDER.

An Ordinance in relation to Gunpowder.

SECTION. 1. No store or shop-keeper, or other person, shall keep at the same time in any house, shop, store, cellar or warehouse, or in any boat, within the limits of said city, more than thirty pounds of gunpowder.

SEC. 2. The aforesaid quantity of powder, allowed to be kept within the limits of said city, shall be kept in close tin four-pound canisters, and in a good and safe place.

SEC. 3. Every person offending against either of the foregoing provisions, shall forfeit and pay the sum of twenty-five dollars, for the use of said city.

SEC. 4. It shall be lawful for the Mayor, whenever he shall be informed, upon oath that there is probable cause to suspect any person of concealing or keeping within said city, any quantity of gunpowder over and above thirty pounds as aforesaid, to issue a search warrant to examine into the truth of such allegation or suspicion, and search any place whatever therein.

PASSED, July 2, 1859.

CHAPTER XIV.

HEALTH DEPARTMENT.

An Ordinance establishing and regulating the Health Department.

SECTION 1. The City Council shall annually appoint by ballot one of their number from each ward, who shall constitute the Board of Health. The Mayor or presiding officer of the City Council shall be President of the Board, and shall cause all orders of the Board to be executed. The City Clerk shall be Clerk of the Board, and shall keep minutes of its proceedings in a suitable book, and issue and deliver its orders.

SEC. 2. The Board of Health shall hold meetings at the City Council chamber as often as the Mayor may deem necessary, and the Marshal shall, when required by the Mayor, give notice of such meeting to each member of the Board.—A majority of the members of the Board shall constitute a quorum for the transaction of business, and they may make and determine the rules of their own proceedings, and such other rules and regulations as may be necessary to execute their powers and duties. If any member of the Board from any ward, from sickness, absence, or other cause, shall be unable to attend any meeting of the Board, the Alderman from such ward then being in the city having the oldest commission, shall attend such meeting and be temporary member of the Board.

SEC. 3. The Board of Health shall exercise a general supervision over the health of the city, and shall make diligent examination and inquiry into all matters affecting the same, and shall cause all nuisances to be abated or removed which they may deem prejudicial or obnoxious to the public health or comfort, and may make such sanitary regulations as they may deem expedient or necessary to preserve and promote the same, or to prevent the introduction or spreading of any contagious, malignant, infectious or pestilential disease.

SEC. 4. All orders of the Board of Health shall be certified by the Clerk, and the Mayor shall cause them to be executed by delivery thereof to the City Supervisor, the Marshal, or any Police Constable, who shall execute all orders of the Board of Health or of the City Council pertaining to the public health or the sanitary condition of the city.

SEC. 5. All persons shall obey the orders and directions of the Board of Health, and any member of the Board may order the abatement of any nuisance contrary to any ordinance of the city which may be prejudicial to the public health; and whoever shall neglect or refuse to obey any order of the Board, or of any member thereof, as herein required, shall be subject to a penalty of not less than three dollars.

SEC. 6. The Board of Health may cause any person having any infectious, contagious, or pestilential disease, with his consent, if a resident of the city, to be removed to such safe. retired and proper place as may be deemed best, not to exceed two miles from the city, and shall provide suitable nurses and other attendance for such person, at his expense if able to pay for the same, and if not, at the expense of the city. But if any such person, being a resident of the city, shall refuse to be removed, or his condition is such that, in the opinion of the Board of Health, removal would be attended with danger to his life, such measures shall be taken as may be deemed advisable and best to prevent the spreading of the contagion. If any such person shall have the small pox, or other like malignant and infectious disease, the Board of Health may require notices with the words "small pox here," in large letters, to be posted up in conspicuous places on the house or

premises by the occupant thereof, who shall cause such notices to be placed and kept up as long as shall be directed by the Board, and upon his failure to do so, he shall be subject to a penalty of not less than ten dollars for each day he shall so fail to place and keep up such notices.

SEC. 7. Any person having or having had the small pox or other like malignant and infectious disease, who shall go about in any public place, before, in the opinion of the Board of Health, he shall be in no danger of giving the disease to others, shall be subject to a penalty of not less than twenty-five dollars. Any person attending, or being about any other person having the small pox or other like infectious disease, who shall not change or purify his wearing apparel before going into any public place, or who shall otherwise so conduct himself as to endanger the spreading of the disease or the giving it to others, shall be subject to a penalty of not less than twenty-five dollars.

SEC. 8. The Board of Health, when the sanitary condition or preservation of the public health of the city shall render it necessary, may authorize the members of the Board to execute any of the powers and duties herein required of the Supervisor, the Marshal and Police Constables, and may appoint or employ such officers or servants, and establish such temporary hospitals and provide such necessaries therefor as the public exigency may require. They shall see that all officers, or persons employed by them discharge their duties. All expenditures incurred by the Board of Health shall be reported to the City Council for allowance, and the City Clerk shall keep an account of all disbursements made on account of the health department.

SEC. 9. The Board of Health may cause any wearing apparel, bedding, or furniture, which they may deem infectious or to endanger the public health of the city, to be removed not exceeding two miles from the city, or destroyed, but before destroying the same, they shall, if practicable, cause an invoice and appraisal to be made thereof, in order to make just compensation therefor.

SEC. 10. The Board of Health, the members thereof, the Supervisor, the Marshal, and Police Constables shall at all times, cause all nuisances which they may find, or which may be reported to them, to be abated, removed or remedied. Any member of the Board of Health, the Supervisor, the Marshal or any Police Constable may at all times during the day time, enter all premises and examine all parts thereof and cause all nuisances found thereon to be abated, remedied, or removed in such manner as he shall direct.

SEC. 11. Any person practising physic who shall have any patient in the city laboring under any contagious, infectious or pestilential disease, shall forthwith make report thereof, in writing, to the Clerk of the Board of Health, describing the locality of such patient so that he may be easily found, and, upon failure to do so, shall be subject to a penalty of fifty dollars.

Passed, July 2, 1859.

CHAPTER XV.

HOGS AND GEESE.

An Ordinance relating to Hogs and Geese running at large.

SECTION 1. That every hog, pig or goose found running at large in any street, lane, avenue or alley of the city of Warsaw, or in any uninclosed place within its limits, is hereby declared a nuisance; and the owner of each and every such hog, pig or goose, shall forfeit and pay for the use of said city, the sum of one dollar for every twenty-four hours such hog pig or goose shall run at large.

SEC. 2. That the City Marshal is hereby required to take up and confine in a secure pen, pound or other place provided by him for that purpose, every hog, pig or goose found running at large, and retain the same at least twenty-four hours; and if not redeemed within said twenty-four hours he shall dispose of them as hereinafter directed; and the said Marshal in the performance of the duties required by this ordinance, may employ at his own expense all necessary aid; and any person who shall prevent, or attempt to prevent said Marshal, or those employed by him, from performing any of the duties required by this ordinance, shall forfeit and pay for the use of said city, not less than ten dollars, nor more than twenty-five dollars, for every such offence.

SEC. 3. That if the owner of any such hog, pig or goose, shall, within twenty-four hours after the same is taken up, pay to the City Marshal the penalty herein provided and the fee for taking up and keeping the same, such hog, pig or goose shall be restored to the owner; and if the owner does not redeem the same within said time by payment aforesaid, the City Marshal shall, within the next twenty-four hours, expose and sell the same at public auction to the highest and best bidder, for cash, between the hours of nine and ten o'clock in the forenoon at the place of confinement; *Provided,* however, that the sale of any such hog, pig or goose shall not release the owner from the penalty and costs incurred for permitting the same to run at large.

SEC. 4. That the money received on the sale of any such hog, pig or goose, after deducting the penalty, and twenty-five cents for taking up and keeping, and fifty cents for selling such hog, pig or goose, shall be paid to the owner thereof on application to the City Marshal within six months after such sale; but if no application is made, the balance over and above the Marshal's compensation shall be paid to the treasurer, for the use of the city.

SEC. 5. That the City Marshal, in addition to the foregoing fees, is hereby authorized to retain, as fees, one half of all money by him received as penalties under this ordinance, and required to pay the balance into the treasury.

SEC. 6. That if no person shall bid at any sale the whole amount of costs for taking up, keeping and selling, provided for in this ordinance, it shall be lawful for the City Marshal for himself, to bid thereon the amount of his costs and charges; and, no one bidding more, the property offered shall be struck off to the Marshal as in other cases. And the owner of any hog, pig or goose taken up, as aforesaid, may redeem the same at any time before sale of the same, as provided for in the third section of this ordinance.

SEC. 7. That the City Marshal shall, before selling any hog, pig or goose, under this ordinance, advertise the same by a written or printed notice, giving a description of the property and the time and place of sale, posted up at the front of the post office in said city, for at least twenty-four hours before the time of sale,

and said Marshal may in his discretion, adjourn such sale from day to day, if necessary, to get bidders. And, if said Marshal have reason to believe that any hog, pig or goose so taken up, is owned by any person residing without the limits of the city, it shall then be his duty to advertise the same, as aforesaid, for forty-eight hours.

Passed, July 2, 1859.

CHAPTER XV.

LICENSES.

An Ordinance relating to Licenses.

DIVISION I.—LICENSES IN GENERAL.

SECTION 1. The Mayor may receive applications for licenses, and grant the same in all cases where it is not otherwise expressly provided, upon the terms and conditions specified by ordinance. But if he shall not feel authorized to grant any application for a license for any purpose, he may report such application to the next meeting of the City Council for their action thereon.

SEC. 2. Any person desiring a license under the ordinances of the city, for any purpose, shall make a written application to the Mayor therefor, stating the purpose for which the same is desired, for what length of time, and specifying the place where his business is to be carried on, and if required by ordinance to file bond, before being licensed, he shall also name his proposed sureties on his bond in his application. If the Mayor shall grant such application, he shall indorse the same thereon, together with the amount taxed for the license; and upon the filing of the application so indorsed with the City Clerk and the payment of the sum specified to the Treasurer, the Clerk shall issue to such applicant a license for the time specified.

SEC. 3. No license shall be granted for a longer period than one year, and all licenses shall be signed by the Mayor, and countersigned by the City Clerk under the corporate seal. No license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed licensed until a license shall be duly issued to him. Each license shall be dated the day of the issuing thereof, but if the applicant has been acting without license, then it shall be dated from the time he so commenced acting.

SEC. 4. All licenses granted, shall be subject to all ordinances in relation to licenses which may be in force at the time of the issuing thereof, or which may be subsequently passed by the City Council; and if any person licensed shall violate any provision of any ordinance in relation to his license, he may be proceeded against for any fine or penalty imposed thereby, and his license may be revoked or forfeited in the discretion of the City Council, or of the court or magistrate before whom any action may be brought for the recovery of any fine or penalty.

SEC. 5. No license granted shall be assignable or transferable; nor shall any person be authorized to do business or act under such license, but the person to whom it is granted, or any other place than the place specified therein, without the consent of the City Council, to be certified on such license by the City Clerk. Nor shall any license authorize any person to act under it at more than one place at the

same time, or at any other time than is therein specified. Whoever shall violate any provision of this section shall be deemed to be acting without license, and shall be subject to the same penalty as is prescribed for acting without license.

SEC. 6. The City Clerk shall keep a license register, in which he shall enter the name of each person licensed, for what purpose licensed, the place of business, the date of the license, the amount paid, and the date of expiration of the same. He shall pay into the city treasury on the first Monday of each month, all moneys received by him on account of licenses, and shall quarterly, on the first Mondays of April, July, October and January, in each year, report to the City Council an abstract of all licenses granted since his preceding report, with the amount taxed and received for the same. He may charge and receive a fee of fifty cents for each license issued by him, and a fee of twenty-five cents for certifying the consent of the City Council to the assignment, transfer, or change of place of business of any license.

SEC. 7. Licenses may be issued as near as may be in the following form, to wit:

A. B., Mayor of the city of Warsaw, To all whom these presents shall come, greeting: Know ye that C. D. having made application in due form (filed bond), paid into the city treasury ——— dollars, and in all other respects complied with the ordinances of the city in this behalf; Therefore, I, A. B., Mayor of the city of Warsaw, for and in behalf of the people of said city, do hereby authorize, empower, and license the said C. D., (here set forth the business or the purpose of the license,) at ——— for ——— from ———.

Nevertheless, this license is granted upon the express condition: that if the said C. D. shall observe and obey all ordinances of the city which are or may be in force regulating or relating to his said business, then this license shall be valid for the period aforesaid; otherwise it may be annulled, revoked, or forfeited at the option of the City Council, or in any other manner provided by ordinance.

In testimony whereof, I have hereunto set my hand and caused the corporate seal of said city to be affixed at the Mayor's office in said city of Warsaw, this —— day of ———, A. D., 185—.

[SEAL.]

Countersigned and registered.

A. B., Mayor.

E. F., City Clerk.

SEC. 8. The City Marshal shall enforce all ordinances in relation to licenses, and shall, from time to time, examine the license register. and prosecute all persons who may be acting without license, and shall collect from them the sum which may be taxed for their license; and he shall be entitled to a commission of fifty cents for each license so collected by him, to be paid by the person to be licensed; and his receipt shall be good to the extent and purport thereof; but no person shall be considered as licensed, until license shall be issued in due form as required by ordinance.

DIVISION II.—AUCTIONEERS.*

SECTION 1. No person shall pursue the business of an auctioneer, or sell goods

*See State Constitution, Art IX, Sec. 2. The license law, chapter 64 Rev. Stat., 1845, does not conflict with that provision of the Constitution requiring all taxation to be by valuation and uniform. People vs. Thurber, 13 Ills. Rep., 554. See also

or property at auction, except under legal process, without a license therefor, under a penalty of not less than five dollars for each sale made.

SEC. 2. For a license to pursue the business of an auctioneer, or to sell goods or property at auction, there shall be taxed and collected twelve dollars for six months, and twenty dollars for one year.

SEC. 3. Before a license shall be issued to any person to pursue the business of an auctioneer, or to sell goods or property at auction, he shall file bond in the sum of three thousand dollars, with two or more sureties to be approved by the Mayor, and conditioned for the prompt payment of all moneys, and the delivery of all goods that may come into his hands in his business, to the person entitled to receive the same; and which bond may be sued on in the name of the city, by any person damaged by a breach of its conditions.

SEC. 4. Every auctioneer shall make a written report to the City Council or the City Clerk, once in every three months; which report shall be under oath and shall set forth the names of persons for whom he may have made sales; the time of each sale, the kind of property, and amount sold for each person, and the total amount of sales for the preceding three months, and which report shall distinguish between property brought to the city to be sold at auction and that brought for private and other purposes in the ordinary routine of business; and for the purpose of enabling such auctioneers to ascertain this fact, he may require any person procuring such sale to be sworn and examined in this respect. And such auctioneer shall at the time of making such report pay the City Treasurer for the use of the city five per centum on all sales of property brought to the city, to be sold at auction, and one-half per centum on all other sales.

SEC. 5. Every auctioneer aforesaid, who shall fail to make the report provided for in the fourth section of this ordinance, or who shall make a false report, or who shall exercise the business, or hold himself out as a common auctioneer within the city, without license, and every person procuring any property to be sold at auction, who shall refuse to make the oath and submit to the examination mentioned in said section of this ordinance, shall be subject to the same forfeitures and penalties provided for in the seventh section of this ordinance.

DIVISION III.—BILLIARD ROOMS AND BALL ALLEYS.

SECTION 1. No person shall keep any billiard or bagatelle table, or a ball or pin alley, to be used or played upon by others for hire or gain, without a license therefor, under a penalty of not less than five dollars for each person who may be permitted to play thereon for hire or gain.

SEC. 2. There shall be taxed and collected for a license to keep billiard or bagatelle tables for one year, twenty-five dollars for one table, forty dollars for two

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Sawyer vs. Alton, 3 Scam. Rep. 130. The 23d Section of said act which requires the agent of any foreign insurance company to pay three per cent. upon the amount of all premiums received by him into the county treasury, is constitutional. *Same case.*

tables, and fifteen dollars for each additional table. There shall be taxed and collected for a license to keep a pin or ball alley for one year, twenty-five dollars for one alley, forty dollars for two alleys, and fifteen dollars for each additional alley.

SEC. 3. No keeper of a billiard or bagatelle table, or ball or pin alley, shall suffer or permit any minor to frequent or loiter about the premises occupied by him, or to play or roll upon his table or alley without the previous consent of the parent, master or guardian of such minor; nor shall sell or deliver any intoxicating liquors on the premises occupied by said tables or alley, nor shall suffer or permit any riotous, noisy or disorderly conduct upon the premises occupied by him to the disturbance or annoyance of the neighborhood, under a penalty of not less than twenty-five dollars and a forfeiture of his license.

DIVISION IV.—BROKERS, INNKEEPERS AND ORDINARIES.

SECTION 1. No person shall pursue or carry on the business of dealing in, or buying, selling, discounting, or what is commonly known as shaving of, bills of exchange, checks, drafts, bank notes, promissory notes, bonds, or other writings obligatory, or of buying or procuring of gold and silver coin to dispose of the same for gain or a premium, without a license therefor, under a penalty of not less than fifty dollars.

SEC. 2. Before any license shall be granted to any person applying therefor as a money, stock, or exchange broker, he shall file with the City Clerk a statement, under oath, if required, showing the amount of capital invested, the amount of business transacted during the previous year, and the profits of such business; or if he shall not have been engaged in business, his statement shall show the amount of capital he proposes to invest, the amount of business reasonably expected to be transacted, and the supposed profits of such business, and the City Council shall assess for such license, such a sum as may be deemed a reasonable tax upon such business and the profits thereof; but the tax assessed for a license shall not be less than twenty-five dollars, nor exceeding three hundred dollars for one year.

SEC. 3. No person shall pursue the business of a real estate broker without a license therefor, under a penalty of not less than twenty-five dollars. A real estate broker shall be deemed any person who is engaged in the business of selling, or in negotiating the sale or purchase of real estate belonging to others, for a commission or other compensation. There shall be taxed by the City Council and collected for a license to pursue the business of a real estate broker, not less than five, and not exceeding one hundred dollars for one year.

SEC. 4. No person shall carry on or pursue the business of an innkeeper, without a license therefor, under a penalty of not less than twenty-five dollars. An innkeeper shall be deemed any person who keeps a house of public entertainment, and for a compensation furnishes lodging, or provisions, or both, to travellers and others. There shall be taxed by the City Council, and collected, for a license to pursue the business of an innkeeper not less than five and not exceeding one hundred dollars for one year.

SEC. 5. No person shall own, keep or conduct an ordinary without a license therefor, under a penalty of not less than five dollars. An ordinary shall be deemed any eating house, or other place where any kind of food or eatable is sold to be eaten at the place of sale. There shall be taxed by the City Council and collected,

for a license to keep an ordinary, not less than five and not exceeding fifty dollars for one year.

DIVISION V.—EXHIBITIONS, SHOWS AND AMUSEMENTS.

SECTION 1. No person shall give or exhibit any theatrical or other exhibition, show, or amusement, where money is charged for admission thereto, without a license therefor, under a penalty of not less than double the amount herein assessed and taxed for such license.

SEC. 2. For fairs, or lectures given before any society, or concerts, or other exhibitions or amusements given exclusively by citizens of the city, no license shall be required; and when any exhibition or amusement for which license is required, shall be given for any charitable or benevolent purpose, the amount of the license shall be appropriated to such object by the Mayor.

SEC. 3. For a license for the exhibition of any circus, menagerie, or other like exhibition, there shall be taxed and collected, not less than twenty-five dollars for two exhibitions or less, and not less than fifteen dollars for each exhibition thereafter; not including side shows or other exhibitions travelling therewith or attached thereto, which shall be taxed for a license not less than two dollars each. For a license for any other exhibition, show or amusement, there shall be taxed and collected not less than three dollars for any single exhibition, and not less than two dollars for each exhibition thereafter.

SEC. 4. Any person giving or conducting any exhibition, show, or amusement, shall preserve good order in and about his place of exhibition or amusement, and if necessary for that purpose shall employ, at his own expense, a sufficient police force.

SEC. 5. Any person who shall conduct himself in a riotous or disorderly manner at any place of exhibition or amusement, shall be subject to a penalty of not less than three dollars. And if any person belonging to or connected with any such show or exhibition shall conduct himself in a riotous or disorderly manner, or cause any disturbance or breach of the peace at the place of exhibition, the license of such show or exhibition may be revoked or forfeited in the discretion of the Mayor or any Police Magistrate, and no license shall thereafter be granted for such exhibition, unless for good cause shown, with the consent of the City Council.

DIVISION VI.—LUMBER.

SECTION 1. No owner or agent, or commander of any steamboat, raft, or other craft, or any other person not an actual resident of this city, shall be allowed to sell within the limits of this city, any lumber, shingles, lath or square timber, except to lumber merchants, or unless the same shall have been manufactured within the city of Warsaw or county of Hancock, without having obtained a license from the city therefor; for which license each person applying for the same shall pay two per cent. on the amount of his stock proposed to be offered for sale by him duly certified and sworn to.

SEC. 2. It shall be the duty of the City Harbor Master, Police Constable and of the City Marshal, to inform all lumber dealers of the city and all persons landing for sale any lumber or raft of lumber within the city, of the provisions of this ordinance, and to collect and pay over to the City Clerk from all raftsmen, agents or other persons embraced within the provisions of this ordinance, the per centage

and tax imposed by this ordinance. It shall be the duty of said Harbor Master, Police Constable and of said City Marshal, to cause all persons violating the provisions of this ordinance, to be prosecuted and the penalties herein provided for to be collected; *Provided*, that the failure to give the notice before mentioned, shall not defeat the collection herein imposed.

SEC. 3. Any person who shall violate the provisions of the preceding sections, shall for every offence forfeit and pay fifty dollars, one-half of which shall be paid to the informer, and the balance into the city treasury, to be recovered in the name of the city, as other penalties are in case of violation of city ordinances.

DIVISION VII.—MERCHANTS.

SECTION 1. No person shall set up any store or place for the sale of merchandise or lumber, after the first day of July and before the first day of May following, (unless the personal effects of such person have been duly assessed for the current fiscal year by the City Assessor,) without having first obtained from the city a license therefor, under a penalty of not less than five or more than one hundred dollars.

SEC. 2. Any person or persons desiring a license under the preceding section, shall state in his, her or their application to the Mayor, in addition to the other requisites prescribed in section second, *first* division, of this ordinance, the average stock of merchandise or lumber, said applicant designs to keep on hand, and on the granting of said application, the Clerk shall issue a license to such applicant, to terminate on the first day of May following; and there shall be taxed and collected for such license, the sum of ten cents for every one hundred dollars average stock, for each month (rejecting fractions of a month,) which may intervene between the date of said license and the time when the same may expire.

DIVISION VIII.—PEDDLERS.

SECTION 1. No person shall hawk or peddle any merchandise or other article of value in the city, without a license therefor, under a penalty of not less than five dollars.

SEC. 2. All sales of goods or merchandise made by persons remaining transiently in the city for the purpose of selling or disposing of the same by retail, or by persons travelling or going about from one place to another with goods or merchandise, and selling or disposing of the same by retail, whether in any temporary place of business or otherwise, shall be deemed peddling under the provisions hereof.

SEC. 3. For a license to hawk or peddle, there shall be taxed and collected, not less than two dollars for two weeks or less, not less than five dollars for one month or less, and not less than three dollars for each month thereafter. No license shall be required for peddling or vending of marketing, vegetables, fruit, cakes, nuts, or other like refreshments.

SEC. 4. No peddler shall enter any private dwelling in this city without being admitted into the same, or shall insist upon the showing or sale of his goods or wares to any person after being told by such person that he or she does not wish to purchase the same, or shall otherwise vex or annoy any person, under a penalty of not less than three dollars and the forfeiture of his license in the discretion of the City Council, or of the Police Magistrate or other court before whom conviction may be had; and at no time thereafter shall he be licensed, unless for good cause shown, the City Council shall remove his disability.

DIVISION IX.—WAGONS AND DRAYS.

SECTION 1. No person shall pursue the occupation of carrying goods and property for hire in any vehicle from one place to another within the city, or shall keep, own, or use any dray, wagon, or other vehicle for the purpose of carrying articles or property for hire from one place to another within the city, without a license therefor, under a penalty of one dollar for each load or parcel so carried without license.

SEC. 2. For a license to pursue the business or occupation of carrying goods or property for hire upon a dray, wagon, or other like vehicle within the city, there shall be taxed and collected three dollars upon each for six months, and five dollars for one year.

SEC. 3. For wagons or other vehicles kept or used by merchants, lumbermen, or other persons, for the delivery without charge of articles or property sold by them, or for the carrying of their own property, or the accommodation of their own business, or for the hauling of earth or building material, or for hauling without and beyond the city, or by hotel keepers for the delivery without charge of the baggage of their guests, no license shall be required.

SEC. 4. The City Clerk shall write in the license and indorse thereon the number or other designation of the dray or other vehicle, and register the same; and the person licensed shall cause such number and designation to be at all times conspicuously and legibly painted or affixed on the outside of the bed or shaft thereof, under a penalty of one dollar for each day such dray or other vehicle may be used without being numbered or designated as is herein required.

SEC. 5. Any drayman or other person licensed, may charge and receive not exceeding twenty-five cents for each load carried the distance of ten blocks or less, and not exceeding forty cents for each load carried to any place within the city exceeding the distance of ten blocks. For each load carried in a two-horse wagon, not exceeding twenty-five cents may be charged for any distance not exceeding ten blocks, and not exceeding fifty cents for any distance within the city exceeding ten blocks. For each load carried in a furniture car or furniture wagon, not exceeding fifty cents may be charged for any distance within the city.

SEC. 6. No drayman or other person licensed, or hack or omnibus driver, shall at any steamboat landing, railroad station or elsewhere, conduct himself in a riotous or disorderly manner, or use indecent, profane, or abusive language toward any person, or unnecessarily snap or flourish his whip, or otherwise vex or annoy any traveller or other person, or obstruct any sidewalk, street or alley crossing, street, or other public passage, under a penalty of not less than three dollars in each case.

SEC. 7. No drayman or other person so licensed under the provisions hereof, shall, when requested, unless actually employed at the time, refuse to carry any article or load, or shall charge any greater sum than is herein specified for the carriage of any load, under a penalty of three dollars in each case.

SEC. 8. No owner or driver of any wagon, dray, or other vehicle, shall make a permanent stand or place of stopping in front of any premises without the consent of the owner or occupant of the same, under a penalty of three dollars.

SEC. 9. The City Marshal shall designate stands for licensed drays and other vehicles, or for omnibusses or carriages belonging to any hotel, upon any street at or adjacent to the steamboat landing or railroad depots or stations within the city, while waiting for the arrival or departure of boats or passenger trains; and any

person who shall occupy any other stand than the one allotted to him, shall be subject to a penalty of three dollars.

SEC. 10. Each person licensed under the provisions hereof, shall, at all times, keep a certified copy of the sixth section hereof, and shall produce the same for the inspection of any person employing him who shall demand the same, under a penalty of three dollars; and if any such person shall exhibit or produce to any person employing him a false copy thereof, he shall be subject to a penalty of twenty-five dollars.

PASSED, July 2, 1859.

CHAPTER XVI.

LIQUORS.*

An Ordinance relating to the sale of intoxicating Liquors.

SECTION 1. No person shall, within the city, by himself, his servant, or clerk, except for the purpose of purely medicinal, mechanical or sacramental,) barter, sell, exchange or deliver, or otherwise dispose of for money or gain or any thing of value, or any check or other thing representing or intending to represent any money, or other thing of value, any vinous, spirituous, fermented, mixed, malt, or other intoxicating liquor whatever, in a less quantity than one gallon, to be carried away at one time from the place of sale or delivery without a license therefor, in accordance with the requirements hereof, under a penalty of not less than twenty-five dollars for each offense.

SEC. 2. The City Council may in their discretion, grant license for one year, to such person or persons as may apply therefor, to retail liquors in any quantity less than one gallon, upon such person or persons paying into the city treasury the sum of one hundred and fifty dollars, and entering into bond in the manner required in the fifth section hereof.

SEC. 3. The City Council may also in their discretion, grant license for one year, to such person or persons as may apply therefor, to retail malt liquors only, in any quantity less than one gallon, upon such person or persons paying into the city treasury the sum of one hundred dollars, and entering into bond in the manner required in the fifth section hereof.

SEC. 4. Any person licensed under the provisions of the preceding section who shall sell, barter, exchange, or deliver for money or gain, or any thing of value, or for any check or other thing representing or intending to represent any money or other thing of value, any vinous, spirituous, mixed, fermented, or other intoxicating liquors or beverage whatever, (except malt liquors,) or who shall suffer or permit any such liquor or beverage to be used or drank upon the premises, or in any place adjacent thereto under his control, shall be subject to a penalty of not less than fifty dollars in each case for each offense.

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*A municipal corporation with power to declare what shall be deemed a nuisance, etc., may by Ordinance, declare the selling of intoxicating liquors a nuisance, and impose penalties for the violation of such ordinance. Goddard vs. Jacksonville, 15 Ills. Rep. 588.

SEC. 5. Before a license shall be issued to any person to retail liquors under the provisions hereof, such person shall execute bond to the city of Warsaw in the sum of one thousand dollars, liquidated damages, signed by at least two freeholders of the city, each to the value of the penalty of the bond at least, as sureties, to be approved by the City Council, and conditioned that the person to whom such license is granted, shall observe and obey all laws and ordinances now in force, or such as may hereafter be in force regulating and governing retailers of liquors. Such bond shall be filed in the office of the Clerk, and any breach of its conditions shall work a forfeiture of the whole penalty thereof, the amount of which shall be recovered before any court having jurisdiction.

SEC. 6. No retailer of liquors licensed under the provisions hereof, shall by himself, his servant, or clerk, suffer or permit any person to drink to excess or drunkenness in his premises, nor shall suffer or permit any species of gaming in any part thereof, or in any place adjacent thereto under his control, under a penalty of not less than twenty-five dollars in each case.

SEC. 7. No retailer of liquors licensed under the provisions hereof shall on Sunday keep open, or suffer or permit to be kept open any part of his place of business, nor shall on Sunday in any manner sell or deliver any intoxicating or malt liquors or beverage whatever, or suffer or permit any such liquors or beverage to be used or drank at his place of business, or in any place adjacent thereto under his control, nor shall on Sunday admit any person into his place of business not belonging thereto or connected therewith, under a penalty of not less than twenty-five dollars in each case.

SEC. 8. No retailer of liquors shall keep open or suffer to keep open his place of business at a later hour than eleven o'clock, P. M., nor shall suffer any person not belonging thereto or connected therewith, to remain in any part thereof after that hour, under a penalty of not less than five dollars in each case.

SEC. 9. No retailer of liquors licensed under the provisions hereof, shall in any manner sell, give, or deliver, any intoxicating or malt liquor or beverage whatever, to any minor, without the permission of his parent or guardian, or to any intoxicated person, nor shall harbor, or entice or suffer any minor or intoxicated person to remain or loiter in or about his place of business, under a penalty of not less than ten dollars in each case.

SEC. 10. Each retailer of liquors licensed under the provisions hereof, shall, without delay, notify any minor or intoxicated person who may frequent or loiter in or about his place of business, to leave and quit the same, and if he shall neglect or refuse to do so, such retailer may arrest him and take him before any Police Magistrate, or may deliver him into the custody of the Marshal or any Police Constable, to be by him retained in custody until he can be brought before a competent court or magistrate, or he may make complaint before any Police Magistrate and cause such minor or intoxicated person to be arrested and prosecuted, and no minor or intoxicated person shall frequent or loiter in or about any grocery or other place where intoxicating or malt liquors are sold by retail, after being notified or requested by the owner or keeper thereof, or any police officer to leave or quit the same, under a penalty of not less than five dollars.

SEC. 11. No retailer of liquors licensed under the provisions hereof, nor any other person shall sell, give, or deliver any intoxicating or malt liquors or beverage whatever, to any habitual drunkard or habitually intoxicated person, after being notified by the wife, parent or other relative of such person that he is an habitual

drunkard, or habitually intoxicated person, and requesting such retailer or other person not to sell, give, or deliver him any such liquors or beverage, under a penalty of not less than twenty-five dollars.

SEC. 12. No retailer of liquors licensed under the provisions hereof, shall suffer any loud or boisterous talking, or obscene or profane language, quarreling, singing, fighting or other disturbance, in or about his place of business, or in any place adjacent thereto under his control, to the annoyance or disturbance of persons passing along any street, or public place in the vicinity thereof, or to the disturbance of the peace and quiet of persons doing business, or residing in the neighborhood thereof, under a penalty of not less than five dollars for each offense.

SEC. 13. Whoever shall make any such noise or disturbance mentioned in the preceding section, or shall speak any profane, indecent, insulting, or obscene language in any public place loud enough to be overheard by persons passing, and in the presence of or while any female may be near enough to be likely to hear the same, shall be subject to a penalty of not less than five dollars in each case.

SEC. 14. Any retailer of liquors is hereby authorized to arrest any person making any disturbance, or violating the provisions hereof in his house or premises, and to take such person before any Police Magistrate, or deliver him into the custody of the Marshal or any Police Constable, to be by him retained in custody until he can be brought before a competent court or magistrate, or he may make complaint before any Police Magistrate and cause such person to be arrested and prosecuted.

SEC. 15. If any retailer of liquors shall violate any of the provisions of the seventh and eighth sections hereof, the City Marshal or any Police Constable may enter and close his place of business and keep it closed until the next morning, and may take possession of the keys or fastenings thereof, and shall have power to turn out all persons found therein not belonging to the premises, and all offenders shall be prosecuted before any Police Magistrate or other competent court, and shall be subject to the penalties prescribed in the preceding sections hereof.

SEC. 16. The City Marshal and Police Constables shall see that the provisions hereof are strictly observed and enforced, and shall prosecute all violations of the same, and in their default, any person may make the proper complaint of such violation before any Police Magistrate and have the offender prosecuted as in other cases. And it shall be the duty of the City Marshal and all Police Constables, at all times to arrest or cause to be arrested and prosecuted, without delay, all persons who may be found intoxicated or riotous in any public place.

SEC. 17. All subterfuges and evasions for the purpose of avoiding the requirements or provisions hereof, are hereby declared to be within the meaning and intent and shall be deemed violations thereof.

SEC. 18. Every retailer of liquors licensed under the provisions of the second and third sections hereof, shall keep a copy of this ordinance posted up in some conspicuous place in his place of business.

SEC. 19. This ordinance shall be in force from and after its due publication, and all ordinances contrary to the provisions hereof are hereby repealed. But no fine, forfeiture, penalty, right, action, suit, debt or other liability whatsoever, created, instituted, incurred or accrued, by or under any ordinance heretofore passed in relation to intoxicating liquors, shall be released, discharged, annulled, repealed, or in any wise affected, but the same may be prosecuted, recovered, or enjoyed, or any suit or other proceeding be commenced or completed thereon as fully and in the same manner in all respects as if such ordinance had remained in full force.

Passed, July 2, 1859.

CHAPTER XVII.

CITY MARKET.

An Ordinance in relation to the City Market.

SECTION 1. The house now owned by Joseph Ochner, standing and being on lot number ten, in block number thirty-six, in the original town (now city) of Warsaw, in the county of Hancock and state of Illinois is hereby created and declared to be a public Market House.

SEC. 2. There shall be and there is hereby created the office of Clerk of the Market, who shall be appointed in the same manner as other city officers, and who shall, before entering the duties of his office, give bond to the city of Warsaw in the sum of one thousand dollars, conditioned for the faithful discharge of his duties, and shall also subscribe an oath or affirmation, that he will impartially and to the best of his judgment and ability, discharge the duties of his office; and he may be removed at any time by a majority of the Council, for incompetency or any dereliction or violation of duty, whenever the said Council shall think the interests of said city require such removal, and, that any vacancy in said office may be filled at any time, as vacancies in other offices are filled.

SEC. 3. It shall be the duty of the Clerk of the Market to superintend the whole of the market lot, and take charge of the Market House and all other buildings and fixtures that may be erected on said market lot, so as to prevent and punish, or cause to be punished, all injuries and damages which may be done to the same; keep the market in a clean and wholesome state; prefer complaints before the Police Magistrate's court, for all breaches of any ordinance or parts of ordinances relating to the Market, whenever suit is necessary to enforce the payment of any fine, forfeiture, or penalty accruing therefrom; rent out and lease from time to time, all stalls, benches, blocks, or other privileges and appurtenances thereunto belonging, which the City Council may direct to be rented and leased on the behalf and in the name of the said city, for any term not exceeding one year at a time, demand, sue for, recover and receive the rents accruing, or distrain and sell forthwith any property of the lessee, found within the limits of the said city for the same: receive all fines, forfeitures and penalties or other sums of money accruing under any provisions of any ordinance regulating the Market; keeping a true and accurate account thereof in a book kept for that purpose, and pay over all such moneys to the City Clerk, taking his receipt therefor, and accounting with the City Council at each stated meeting; maintain peace and good order on and around the Market lot at all times, and particularly during market hours. And the said Clerk of the Market is hereby authorized whenever it shall be necessary to maintain peace and good order, to arrest without precept or warrant all persons who may be found in and about said Market lot, drunk, fighting, quarrelling, revelling, threatening, swearing, blackguarding, pilfering, stealing, robbing, cheating, swindling, or otherwise disturbing the good people at or about said Market, or committing other offences against the ordinances of said city, or the laws of this state, and confine such offenders in the jail of the county or city, or hold them to special bail until such time as his other duties will enable him leasure to carry such offenders before the Police Magistrate's court of said city, or until he shall have an opportunity of turning such offenders over to the custody of the City Marshal or Police Constable, to be dealt with according to the ordinances of said city and the laws of the land; and whenever it may be necessary to require assistance in making any such arrest,

he may call upon the by-standers so to assist, and every such by-stander shall render such aid, or he shall be subject to the same penalties and proceedings as the offenders. *Provided, however*, that any person so arrested may be discharged from such arrest, on payment to said Clerk, Marshal or Constable, all penalties that may be annexed to any of said offences.

Sec. 4. The Market of the city shall be open for the sale of all victuals and provisions, from the dawn of day until ten o'clock, A. M., and from four o'clock P. M. until dark, from the first day of April until the first day of October; and from the dawn of day until twelve o'clock in the forenoon, and from two o'clock until dark in the afternoon, during the remainder of the year, Sundays excepted.

Sec. 5. All victuals and provisions, whatever, offered for sale in said city, except all kinds of grain, flour, meal, bread, butter in firkins or other vessels, exceeding fifteen pounds nett weight; cheese, bacon, pork by the hog, beef by the quarter, beef and pork by the barrel or large cask, live cattle, sheep, or hogs, shall be taken to the Market House, there to be sold at market hours; and any person violating this section, whether vender or purchaser, shall forfeit and pay for the use of said city, not less than one dollar nor more than five dollars for every such offence. *Provided*, that nothing in this section contained, shall prevent any person from selling or purchasing any of the articles specified herein out of market hours.

Sec. 6. No person shall lead or drive into the Market House or on any side walk thereof, any horse or other beast, wagon, cart, or carriage of any kind whatever, or kill or slaughter within the limits of the market lot, any beast of the beef, sheep, or hog kind, or lay thereon or deposite any dirt, filth, garbage, dung, or offal therein, under the penalty of five dollars for the use of said city, for every such offence.

Sec. 7. No wagon, cart, dray or carriage of any description, shall stand nearer the Market House than the outer edge of the side walk, and they shall be so arranged as to leave a space of at least three feet between them, and shall in no case whatever, encroach on the passages or avenues passing to or from the Market, under the penalty of two dollars for the use of said city, for each and every offence.

Sec. 8. No person shall bring or deposit upon the market lot any nuisance, or any, lumber, wood, logs, timber stone, lime, sand, brick or earth, or any hogsheads, pipes, puncheons, barrels, casks or kegs, not containing provisions intending to be sold at market in the usual way, or any boxes or crates containing merchandise, or other articles of merchandise not intended to be sold in market in the usual manner, and every person so offending shall forfeit and pay for the use of said city, the sum of five dollars for each and every offence, and a further sum in each and every case, of ten dollars per day, for each and every day, that all or any of said articles or things shall remain upon said lot.

Sec. 9. No butcher or other person shall sell or expose to sale in the Market, any sick or diseased live animal usually eaten for food, and for the purpose and with the design, that the same shall be immediately used for food, knowing or believing the same to be sick or diseased: and every person so offending shall forfeit and pay, for the use of said city, a sum of not less than five nor more than fifty dollars; *Provided*, that each and every sick or diseased animal so sold as aforesaid, shall constitute a distinct and separate offence under the provisions of this ordinance.

Sec. 10. No butcher or other person, shall sell or expose to sale in the Market, any dead flesh or fish which was sick, overheated, or worn or run down by dogs, at or before the time when the same was butchered or slain, or which hath died a violent or natural death out of the usual manner of slaying animals, or hath been

by accident or casuality, or which is blown stupid, or in any other way unsound; and no person shall sell or expose to sale any unsound eggs, butter, lard or other damaged articles of provision; and every person so offending shall forfeit and pay for the use of said city a sum not less than five nor more than fifty dollars; *Provided*, that each person to whom such offenders shall have sold any of said unsound articles, shall constitute a separate and distinct offence in the vendor; *Provided, also*, that all articles exhibited in Market, as though the same were intended for sale, whether the same be sold or not, shall be and is hereby declared to be an exposure of the same for sale, within the meaning of this ordinance; and, *Provided, further*, that if any such offender shall be a butcher owning or occupying a stall, bench or block in the Market House, he shall forfeit his lease of said stall, bench, or block, to said city, and shall never after be permitted to occupy any stall, bench or block in the Market House.

Sec. 11. No butcher or other person shall sell or expose to sale in the Market, the flesh of any bull, boar, ram, dog, cat, or the flesh of any animal not commonly deemed wholesome or fit for food, without representing to all persons wishing to purchase, the nature and true quality, character and name of such animal flesh, and every person so offending shall forfeit and pay for the use of said city, for each and every offence the sum of ten dollars: and if such offender be a butcher, and the owner or occupant of a stall, bench, or block in said market, he shall forfeit the same to said city, and be subject to all the disabilities and penalties resulting from such disabilities which are imposed on butchers by this ordinance.

Sec. 12. No person or persons whatever, not being the owner or occupant of a butcher's stall, bench, or block, in the Market House, shall be permitted to cut up and sell, or offer for sale any kind of fresh meat by less quantity than by the quarter, under the penalty of five dollars for the use of the said city, for each and every offence.

Sec. 13. No grocer, huckster, or any other dealer in provisions, shall purchase at Market more than ten pounds of butter, nor more than six dozen of eggs, nor more than two dozen of chickens, nor more than fifty pounds of bacon hams, either by themselves or agents, before ten o'clock every morning, and after four o'clock in the evening, and all persons bringing butter to market shall have the same weighed and sold by weight, and in no other manner, under the penalty of not less than one nor more than five dollars for the use of said city, for every such offence.

Sec. 14. No butcher or other person whomsoever, shall sell or expose for sale without the limits of the Market, in market hours, any victuals or provisions of any kind, which have before been purchased from any inhabitant of the country bringing or who had brought the same to the city for sale, or within one mile thereof for sale, under the penalty of ten dollars for the use of said city, for every such offence.

Sec. 15. No person shall be allowed or permitted to sell, retail, give away, or use any wines or spirituous liquors, or any ale, beer, porter, cider, or any brewed, fermented or mixed liquors or drinks, in or about the Market House, or upon the Market lot; nor shall any person be permitted to set up or keep, in said Market House, or upon any table, board, or any contrivance for the purpose of eating or drinking, at, about or on the same, without the express leave of the Clerk of the Market, which leave shall not extend beyond the regular market hours; nor shall any such table, board or contrivance be set up or kept in or upon any other place than such place as shall be designated by said Clerk; nor shall any person be per-

mitted or allowed to retail or sell any meats, fish, vegetables, bread, or breadstuffs, in said Market House, or on the lot, to be there used or eaten, without leave of said Clerk, nor shall any person be permitted or allowed to throw, place, or deposite, in or upon said Market lot or in the Market House, any melon rinds or parings nor the rinds and parings of any fruit, potatoes, turnips, or other vegetables; nor shall any person be permitted to place or deposite upon said Market lot, or in said Market House, any refuse, putrid, or offensive animal or vegetable matter, nor shall any person be permitted to use or smoke any pipe or cigar in said Market House, or upon said Market lot, during market hours; nor shall any person during market hours kindle or burn upon said Market lot, or in or about said Market House, any, wood, turf coal, or other matter, or be kindled or burned on any other place on said lot than such place designated by such Clerk: *Provided, however*, that it shall be lawful for any person without leave, to kindle and burn charcoal upon said Market lot, and in the Market House, in close earthen or stone vessels: *Provided*, that such vessels shall be moveable and shall only be used as aforesaid, during market hours, and at such places and in such manner as the Clerk may direct, and so as to produce no inconvenience to persons being and passing in and about the said Market House; and any person offending against any prohibitions of this section, shall for each and every separate offence, forfeit and pay for the use of said city, the sum of ten dollars.

Sec. 16. If any person selling any victuals or provisions in said Market House, shall sell to any other person any article by weight, by false weights, or sell or expose to sale, as having been correctly weighed any such article, and as being of a certain weight, when in truth and in fact the same shall fall short thereof, it shall be the duty of the Clerk of the Market to take such article or articles into his possession, and sell the same at their true weight for the use of said city, not less than one nor more than ten dollars for every such offence.

Sec. 17. The Clerk of the Market shall, under the direction of the City Council, form a set of rules for the government of the Market, which rules shall exhibit all the prohibitions and penalties contained in this ordinance; also, all regulations touching said Market, in a short and condensed form, which rules shall be printed on a single sheet of good paper, in plain type, and shall be smoothly pasted upon boards or canvass of sufficient size, and two at least constantly hung up, one at each end of the Market House, and others if necessary, in the center thereof, to be kept and exhibited to all persons going to said Market.

Sec. 18. It shall be the duty of the Clerk of the Market to execute permits to all persons, authorizing them to sell eggs, lard, butter, cheese, fish, poultry, wild game, fruits, and vegetables at the Market House, or on the streets and sidewalks adjoining the same, according to the rules governing said Market, upon the applicant paying to him for a stall in the Market House, or for a stand outside the Market House, for the season, such sum as the City Council may from time to time direct.

Sec. 19. No person or persons shall sell, barter, or exchange any eggs, lard, butter, cheese, poultry, wild game, fruit or vegetables, which may have been purchased by him or them at market, before the hour of eight o'clock A. M., on any day. All persons attending said Market with any cart or vehicle, shall place the same so that the back end thereof shall be towards and at the side walk of said Market, and no such cart or other vehicle shall stand lengthwise of such sidewalk.

Every person violating this section shall forfeit and pay to the city of Warsaw, not more than ten nor less than three dollars.

SEC. 20. It shall be the duty of the Clerk of the Market to keep a market book, in which he shall keep a correct account of all permits issued by him, showing the names of the persons to whom issued, the time the same respectively run, the amount received for each, the time the same is issued and for what purpose, and also of all monies received by him as Clerk of the Market, of whom, in what amounts and where received, and shall exhibit the same to the City Council, make report to, and settlement with the Council at each stated meeting thereof. He shall pay over all monies due the city monthly, to the City Clerk, and take his receipt therefor, and the same exhibit to the City Council on settlement with them. For any violation of this section or of any section of this ordinance, the Clerk of the Market shall forfeit and pay to the city of Warsaw, not less than three nor more than ten dollars.

SEC. 21. The Clerk of the Market shall be provided with a bell, and it shall be his duty to announce by the ringing of the bell the closing of the market hours, at least ten minutes before the time of closing.

SEC. 22. Every owner or lessee of stall or stand in the Market, and every person occupying a place or stand in the Market, shall within thirty minutes after the ringing of the bell, cause his provisions, wagon, cart, or other thing, to be removed from the Market, to some convenient place, under the direction of the Clerk of the Market; and if the lessee of a stall or stand, he shall cause the same to be thoroughly cleansed, and all offal, garbage and rubbish to be removed therefrom, and each butcher shall cause his tables, meat blocks and other fixtures to be thoroughly scraped and cleaned daily.

SEC. 23. No provisions or other things shall be sold in the Market, except during market hours. It shall be the duty of the Clerk of the Market, to cause the Market House and Market place to be thoroughly cleansed and swept each day, and in the winter season to have the ice and snow swept from the side walks and steps as often as necessary.

No person not being the lessee of a butcher's stall shall sell or offer for sale in the Market, any sausage or sausage meat; and no other person other than farmers, not being the lessee of a butcher's stall, shall sell or offer to sell in Market, any bacon hams, sides, or shoulders.

No person not being the lessee of a butcher's stall, shall sell or offer for sale in the Market, or any place within the limits of the city, any fresh meat in quantities less than one quarter.

No butcher, or owner or lessee of any stall or stand in the Market, shall sell or offer for sale any fresh meat at any other place within the limits of the city, except at the Market House, and there only during market hours.

SEC. 24. Nothing in the preceding sections shall be construed to prevent any farmer or producer from selling his meat by the quarter, or any person who follows the business of packing beef or pork, from selling bacon of their own curing, or spare ribs and sausage meat, in the winter months; but no person not being the lessee of a butcher's stall, shall cut and sell salted meat by the small quantity in the Market.

SEC. 25. It shall be the duty of the City Council, in each and every year, to establish and grade the prices upon butcher's stalls in the Market, and the Clerk of the Market shall proceed to lease at public auction, to the highest bidder, all the

butcher's stalls in the Market, after having given public notice of the time and place of said leasing.

Every person bidding off a stall, shall within three days thereafter, execute a lease for said stall bid off by him, provided with two or more sureties, to be approved by the Clerk of the Market, who shall be jointly bound with the lessee for the payment of the rents of the stall monthly, in advance.

If the lessee of any stand or stall on demand being made, shall fail or neglect to pay the rent thereof, at the time the same shall become due, by the terms of the lease, such lease shall be thereby forfeited.

Whenever any stall or stand shall become vacant or the lease thereof forfeited, the Clerk of the Market may proceed to let the same for the unexpired term.

SEC. 26. Every person offending against any of the provisions of this ordinance, shall forfeit and pay for the use of said city, a sum not less than one nor more than twenty-five dollars, for each and every offence, where not otherwise herein specially provided.

Passed, July 1, 1857.

CHAPTER XVIII.

MISDEMEANORS.

An Ordinance concerning Misdemeanors.

DIVISION I.—OF OFFENSES AFFECTING THE PUBLIC PEACE, MORALS AND SAFETY.

SECTION 1. Any two or more persons who shall assemble for the purpose of disturbing the peace, or of committing any unlawful act, and who shall not disperse when commanded or requested by any peace officer, shall each severally be subject to a penalty of not less than three dollars.

SEC. 2. Whoever shall assault, strike, or fight another, or shall be guilty of any conduct calculated to provoke a breach of the peace, shall be subject to a penalty of not less than three dollars.

SEC. 3. Whoever shall disturb the peace; or shall be guilty of any violent, tumultuous, offensive, or disorderly conduct; or shall make any loud or unusual noise or disturbance; or shall use obscene, offensive, profane, or unseemingly language; to the annoyance, disturbance, or vexation of others, shall be subject to a penalty of not less than three dollars.

SEC. 4. Whoever shall knowingly suffer or permit any assemblage for the purpose of disturbing the peace, or of committing any unlawful act, or any breach of the peace, or any riotous, tumultuous, offensive, or disorderly conduct, or any loud or unusual noise or disturbance, or obscene, offensive, profane, or unseemly language, to the annoyance, disturbance, or vexation of others, in or upon any premises owned or occupied by him under his control, shall be subject to a penalty of not less than three dollars.

SEC. 5. Whoever shall abet or encourage any unlawful act, or any violation of any ordinance of the city, shall be subject to a penalty of not less than three dollars.

SEC. 6. Whoever shall willfully or heedlessly disturb any assembly of persons met together for religious worship, shall be subject to a penalty of not less than five dollars.

SEC. 7. Whoever shall willfully or heedlessly disturb any lawful assemblage of persons; or shall, on the Sabbath day, willfully or heedlessly disturb the peace or quiet of any private family, shall be subject to a penalty of not less than three dollars.

SEC. 8. Whoever shall make a false alarm of fire, or any false cry for assistance, shall be subject to a penalty of not less than three dollars.

SEC. 9. Whoever shall be found in a state of intoxication in any public place, or in any place open to public view, shall be subject to a penalty of not less than three dollars.

SEC. 10. Whoever shall purposely or publicly make any indecent exposure of his or her person; or shall appear in a dress not belonging to his or her sex; or in an indecent or lewd dress; or in a state of nudity; or shall be guilty of any other indecent or lewd act or behavior, shall be subject to a penalty of not less than five dollars.

SEC. 11. Whoever shall, in any open place or manner, bathe in the Mississippi river, in a nude state, any where within the city limits, at any time between sunrise and sunset, shall be subject to a penalty of not less than one dollar.

SEC. 12. Whoever shall exhibit, sell, or offer to sell any indecent, obscene, or lewd book, picture, statue, or other like thing; or shall exhibit or perform any indecent, obscene, or lewd play, exhibition, or other representation, shall be subject to a penalty of not less than five dollars.

SEC. 13. Whoever shall, in any place open to public view, write, mark, draw cut, or make any obscene, lewd, or indecent word or sentence, design or figure, shall be subject to a penalty of not less than five dollars.

SEC. 14. Whoever shall indecently exhibit any stud horse, bull, jackass, or other animal in any public place; or shall let any such animal except in some inclosed place out of public view, shall be subject to a penalty of not less than five dollars.

SEC. 15. Whoever shall in any manner game or rafle for any money or thing of value, or for any check or other thing representing or intended to represent the same; or shall set up any lottery; or shall sell or dispose of for gain, any ticket, chance, or share in any lottery, shall be subject to a penalty of not less than twenty-five dollars in each case.

SEC. 16. Whoever shall knowingly suffer or permit any species of gaming for money or any other thing of value, or for any check or other thing intended to represent the same, in any house or premises owned or occupied by him under his control; or shall keep or have in his possession any gaming implements for the purpose of gaming therewith, shall be subject to a penalty of not less than twenty-five dollars in each case.

SEC. 17. Whoever shall keep, maintain, frequent, be an inmate of, or connected with, or contribute to the support of any disorderly, gaming or bawdy house, house of ill fame, or of assignation, or any place used for the practice of fornication; or shall knowingly suffer or permit any premises owned or occupied by him under his control, to be used for any such purposes, shall be subject to a penalty of not less than fifty dollars.

SEC. 18. Any person able to work and maintain himself in some honest and re-

spectable calling, not having visible means of support, who shall live idly without employment, or loiter or stroll about begging, or frequenting gaming houses, disorderly or bawdy houses, groceries, tippling houses, or other places where intoxicating liquors are sold; or who shall otherwise lead an idle or profligate course of life; or any person who shall keep any gaming house, or keep or exhibit any gaming implements for the purpose of gaming therewith, or shall pursue gaming, or who shall keep, maintain, or be an inmate of any house of prostitution; or who shall have in his possession any implement used for counterfeiting, or for the commission of burglary, or for picking locks or pockets, or any Mexican puzzle, or other implement or device used by cheats and swindlers, without being able to give a good account of his possession of the same; or who shall trespass upon private property in the night time, or habitually sleep in sheds, stables, outhouses, or in the open air, without being able to give a good account of himself or herself, shall be deemed a vagrant and shall be subject to a penalty of not less than twenty dollars.

SEC. 19. Whoever shall on Sunday, keep open any billiard room, ball or pin alley, house, grounds, or other place of amusement; or shall suffer or permit persons to assemble therein for the purpose of amusement or play, shall be subject to a penalty of not less than five dollars.

SEC. 20. Whoever shall on Sunday disturb the peace or good order of society by any play or amusement, shall be subject to a penalty of not less than three dollars.

SEC. 21. Whoever shall on Sunday, (except in case of necessity, or for charitable purposes, or where the person shall conscientiously observe some other day of the week as the Sabbath,) keep open his place of business, or pursue his daily labor or avocation, shall be subject to a penalty of not less than three dollars.

SEC. 22. Whoever shall inhumanly, cruelly, or unnecessarily beat, abuse, or otherwise maltreat any dumb animal, shall be subject to a penalty of not less than three dollars.

SEC. 23. Whoever shall willfully, maliciously, or negligently break, deface, or otherwise injure any public property of the city, or any private property, shall be subject to a penalty of not less than three dollars, and shall also be liable for the costs and expenses of repairing the injuries committed, which shall be added to the penalty and constitute a part thereof.

SEC. 24. Whoever shall willfully, maliciously, or negligently break, deface or destroy, or in any manner injure any street lamp or lamp post, or telegraph post or telegraph wire, shall be subject to a penalty of not less than five dollars, and in addition thereto the amount of the costs and expenses of repairing the injuries committed shall be added to the penalty and form a part thereof.

SEC. 25. Whoever shall, without the consent of the owner or occupant of the premises, fasten any horse or other animal to any fence, railing or tree, or to any boxing placed around any tree; or shall willfully, maliciously, or negligently in any manner injure deface, remove, or destroy any ornamental or shade tree, or boxing placed around the same, or any shrub, fence, railing, gate or sign, upon any public grounds, sidewalk, or private premises; or shall trespass upon any private premises or public grounds, and injure, carry away, or destroy any tree, fruit, vegetable, plant, shrub or other thing which may be therein for ornament or otherwise, shall be subject to a penalty of not less than three dollars.

SEC. 26. Whoever shall without the consent of the owner or occupant of the premises, post, put up, stick or place any handbill, placard, showbill, or notice

upon any building or fence; or shall mark, cut, scratch, or otherwise deface any fence, or any part of any building, shall be subject to a penalty of not less than three dollars.

SEC. 27. Whoever shall purposely and rapidly or immoderately ride or drive any horse, or mule, or any cattle, or other like animals, or any team, in any street or alley in the inhabited part of the city, may be stopped by any police officer, and shall be subject to a penalty of not less than three dollars.

SEC. 28. Whoever shall leave any horse or mule, or any team, in any uninclosed or public place without being fastened, guarded, or secured, so as to prevent its running away, shall be subject to a penalty of not less than three dollars.

SEC. 29. All persons meeting each other in vehicles in the streets or alleys, or in any public place, or upon or near any bridge shall, unless the nature or state of the roadway or passway shall render it impracticable, each turn and drive to the right side so as to pass each other without accident or injury. Whoever shall violate the requirements of this section shall be subject to a penalty of not less than three dollars, and shall likewise be liable for all damage that may occur from collision, unless it be satisfactorily shown that the same occurred from the fault or misconduct of the other party.

SEC. 30. Whoever shall, in the inhabited part of the city, fire or discharge any cannon, gun, pistol, or other fire arm; or shall set off, fire, or explode any torpedo, fire cracker, fire ball, rocket, or other fire works whatever; or shall make or kindle any bonfire, shall be subject to a penalty of not less than three dollars. But the discharge of fire arms, the setting off or exploding of fire works, and the making of bonfires on national holidays, and in the celebration of other public and general events, or the discharge of fire arms by the members of any military company, when on parade, and in accordance with the command of the commanding officer, or by any city officer or other person in the discharge of any legal duty, or lawful act, when the same may be done in such a manner as not to endanger or be likely to endanger the safety of any person, or the injury of any property, shall not be deemed violations hereof.

SEC. 31. Whoever shall keep, sell, or deliver any poison usually known or used as deadly poison, without legibly marking the name thereof, or the word "poison" upon the phial, wrapper, or other enclosure containing the same; or whoever shall sell or deliver any arsenic, strychnine, prussic acid, or other poison usually known or used as a deadly poison, to any person known to him, without registering the name of such person, and the kind and quantity of the poison sold or delivered, and the purpose for which the same was obtained; or whoever shall sell or deliver any such poison to any person to him unknown, shall be subject to a penalty of not less than five dollars in each case. But the sale and delivery of any such poisons as a medicine, upon the prescription of a practicing physician, shall not be deemed a violation of this section.

SEC. 32. Whoever shall, in the night time, leave open any cellar, cellar door, vault, well, cistern, excavation, ditch, or other like hole, upon or adjoining any street, alley, or sidewalk, without securing and protecting the same, so as not to endanger the safety of persons or animals passing thereby, from falling therein, shall be subject to a penalty of not less than three dollars.

SEC. 33. Any contractor for any public work, officer, or other person making any excavation upon or adjoining any street, alley, or side walk, or having the same in charge, who shall in the night time leave the same open and unprotected, so as

to endanger the safety of persons or animals passing thereby from falling therein, shall be subject to a penalty of not less than three dollars.

SEC. 34. Whoever shall knowingly sell, expose, or offer for sale any sick or diseased animal, poultry, or fish; to be used or eaten for food; or the flesh of any sick, diseased, or otherwise unwholesome dead animal, poultry, or fish; or the flesh of any animal, foul, or fish not usually used or deemed wholesome for food; or any other unsound or unwholesome provisions or article of food whatever; or any adulterated or pernicious milk, drink, or liquors, shall be subject to a penalty of not less than ten dollars in each case; and the Mayor or any police officer shall seize or cause to be seized and destroyed any such food, milk, drink or other provisions so exposed or offered for sale.

SEC. 35. Whoever shall knowingly use any false scale, beam, weight, or measure in the purchase or sale, receipt or delivery, of any goods, article, or property purchased or sold, received or delivered, by weight or measure; or shall use any weight or measure for the purchase or sale, receipt or delivery, of any goods, article, or property purchased or sold, received or delivered, by weight or measure, knowing the same to be materially inaccurate and different from the standard prescribed by the laws of the State; or shall sell or deliver any goods, article, or property sold or delivered by weight or measure, and purporting to be of a certain weight or measure, knowing the same to be materially less than the true weight or measure for which the same was sold or delived, shall be subject to a penalty of not less than ten dollars in each case.

DIVISION II.—OF OFFENCES AGAINST OFFICIAL AUTHORITY.

SECTION 1. Whoever shall falsely represent himself to be an officer of this city; or shall, without authority, exercise or attempt to exercise any of the powers, duties, or functions of any city officer, shall be subject to a penalty of not less than ten dollars.

SEC. 2. Whoever shall willfully hinder, delay, resist, or obstruct any city officer, or any person legally authorized by him, in the discharge of his duty; or shall aid, abet, or encourage any such hindering, delaying, resisting or obstructing; or shall neglect or refuse to obey any lawful order or directions of any such officer, shall be subject to a penalty of not less than three dollars,

SEC. 3. Whoever shall rescue, or attempt to rescue, or shall abet or encourage the rescue or escape of any person, from the custody of any officer or other person legally having him in charge; or shall molest or interfere with any officer or other person, so legally having any person in custody; or shall in any manner aid, abet, or encourage the rescue or escape, or the attempt to escape from any prison of any person legally committed thereto; or shall supply or attempt to supply any such person with any weapon, or with any implement or means of escape, or for attempting to escape, or with any intoxicating liquors, shall in each case be subject to a penalty of not less than twenty-five dollars.

SEC. 4. Any police officer may call upon any white male person above the age of eighteen years, to aid him in the arrest, retaking, or custody of any person having committed any unlawful act, or to aid in preventing the commission of any unlawful act; and whoever shall neglect or refuse to give such aid and assistance when so required, shall be subject to a penalty of five dollars.

SEC. 5. Any city officer who shall willfully fail, neglect, or refuse to perform

any duty required of him by the city charter, or the ordinances of the city; or who shall be guilty of any misfeasance, malfeasance, or improper conduct in the discharge of any of the duties of his office, shall be subject to a penalty of not less than ten dollars and may be removed from office.

DIVISION III.—OF OFFENCES AFFECTING THE STREETS, ALLEYS AND SIDE WALKS.*

SECTION 1. No builder or other person shall encumber or obstruct any street or alley with building or other like materials, without a written permit from the Mayor; nor shall, except in case of urgent necessity, and for a short time, incumber or obstruct more than one-third of any street or alley, or one-half of the sidewalk; nor shall such obstruction continue in any case longer than may be necessary in the diligent erection of such building, or the prompt execution of the work. Whoever shall violate any provision of this section, shall be subject to a penalty of not less than three dollars for each day he shall continue in violation thereof.

SEC. 2. No person shall remove or cause to be removed, or aid in removing any building through or across any street or alley, without a written permit from the Mayor; nor shall, in removing such building unnecessarily incumber or obstruct any street or alley, nor for a longer time than may be necessary in the prompt and dilligent removal of such building, under a penalty of not less than ten dollars in each case, and an additional penalty of not less than three dollars for each day such building shall unnecessarily remain in any street or alley.

SEC. 3. No person shall make or cause to be made any erection or inclosure, encroaching in whole or in part upon any street, alley, or side walk, under a penalty of not less than twenty dollars, and an additional penalty of not less than three dollars for each day the same shall remain after notice by the Mayor, the Marshal, or the Supervisor, to remove the same.

SEC. 4. Whoever shall make any erection or enclosure upon or along any street or alley, without first ascertaining the line thereof from the City Surveyor and Engineer, shall be subject to a penalty of ten dollars.

SEC. 5. The owner of any erection or enclosure already erected or placed, and encroaching upon any street or alley, who shall not remove the same after thirty days' notice, by the Mayor, the Marshal, or the Supervisor, shall be subject to a penalty of not less than ten dollars, and to an additional penalty of not less than three dollars for each day he shall fail to comply with such notice.

SEC. 6. The Mayor, the Marshal, or the Supervisor, shall cause any incumbrance, obstruction, or erection, or inclosure, in or upon any street, alley, or sidewalk contrary to ordinance, to be removed; and the costs of such removal may be collected of the person causing such obstruction, with the penalty, or in a separate suit in the name of the city.

SEC. 7. Whoever shall place, throw, or leave, or cause to be placed, thrown, or left, any obstruction or incumbrance, not authorised by ordinance, in any street or alley, shall be subject to a penalty of not less than three dollars, and to an ad-

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*Any erection or obstruction placed in any part of a public street or highway which deprives the public of the use of any part thereof is a nuisance. There are some exceptions, however—as where materials are temporarily placed in a public street to be used in erecting a building or other needful improvement, leaving sufficient room for the free and safe passage of the public. — People vs. St. Louis, 5 Gil. 372.

ditional penalty of not less than one dollar for each hour he shall not remove the same, when required by the Mayor, the Supervisor, or any police officer.

SEC. 8. No person not authorised by ordinance shall make any excavation in any street, alley, or sidewalk without a written permit from the Mayor, or the Supervisor, under a penalty of not less than three dollars. Any person making or causing to be made any excavation or ditch for any purpose, in any street, alley or sidewalk, shall, without unnecessary delay, cause the same to be filled up to the proper level of the street, alley, or sidewalk, and shall, from time to time, if necessary, continue to repair the same, until the earth is completely settled, and the surface conforms to the proper level of the street, alley, or sidewalk. Any person tearing up any planked or paved street, alley or sidewalk, or bridge or culvert, for any purpose, or negligently breaking or injuring the same, or breaking or injuring the same by the removing of any building over the same, shall, without delay, cause such planked or paved street, alley, or sidewalk, or bridge or culvert, to be repaired and placed in the same condition as before the breaking or injuring thereof. Any person making or causing to be made any excavation or ditch, or tearing up, breaking, or injuring any planked or paved street, alley, or sidewalk, bridge or culvert, or causing the same to be broken, injured, or torn up, who shall not comply with the requirements of this section, shall be subject to a penalty of not less than five dollars, and the City Supervisor shall, without delay, cause such filling up or repairs to be made and completed, and the costs thereof may be collected of any person whose duty it was to do the same, and recovered with the penalty, or in a separate suit, in the name of the city.

SEC. 9. Whoever shall purposely change or remove any stake, post, or stone, placed or set to designate the corner or line of any lot or land, street, or alley, or to show the grade of any street, alley, or side walk, shall be subject to a penalty of not less than five dollars.

SEC. 10. Whoever shall for any private purpose dig, remove, or carry away any earth from any street or alley, without the permission of the City Council, shall be subject to a penalty of not less than one dollar for each load removed or carried away, and any city officer who shall sell or dispose of any earth from any street or alley, for his private gain or benefit, shall be subject to a penalty of not less than twenty-five dollars.

SEC. 11. Whoever shall throw, place, or leave any ashes, dirt, filth, or other rubbish in or upon any street, alley, or sidewalk, or shall knowingly suffer or permit the same to be thrown, placed, or left in or upon any street, alley, or sidewalk, in front of or adjoining any premises owned or occupied by him under his control, shall be subject to a penalty of not less than one dollar, and to a like penalty for each hour the same may remain after notice to remove the same by the Mayor, the Supervisor, or any police officer.

SEC. 12. Whoever shall throw, place, or leave any live coals or fire, or make or kindle any fire upon any planked street, alley, or sidewalk, or planked street crossing, shall be subject to a penalty of not less than three dollars, and shall likewise be liable for all damage or injury caused thereby, the costs of repairing which may be recovered with the penalty, or in a separate suit, in the name of the city.

SEC. 13. No person shall obstruct or incumber any street or alley with merchandise, fuel, or other article or property longer than may be necessary in the dilligent removal of the same, under a penalty of not less than one dollar, and a like penalty for each hour the same shall not be removed after notice to remove the same by the Mayor, the Supervisor, or any police officer.

SEC. 14. When any street or alley may be obstructed by a press of teams, wagons, or animals, the Mayor, the Supervisor, or any police officer may give such orders and directions as may be deemed necessary for abating the obstruction; and whoever shall not observe and obey such orders and directions, shall be subject to a penalty of three dollars.

SEC. 15. Whoever shall place or leave or cause to be placed or left any encroachment, incumbrance, or other obstruction in or upon any street, alley or sidewalk, shall, in all cases, be liable to the city, and to private persons for all damage or injury arising from such encroachment, incumbrance or obstruction.

SEC. 16. No steps, platform, or other fixtures shall be built to extend into or upon any sidewalk or alley more than three feet; and all steps encroaching upon any sidewalk or alley and leading to the upper story of any building, shall be securely suspended without posts. Nor shall any open cellar way, or basement way, extend into or upon any sidewalk or alley more than three feet, and shall be well protected and secured with a substantial iron railing round the same. Nor shall any closed cellar way or basement way extend into or upon any sidewalk more than five feet, or into any alley more than four feet; nor shall the door or grating of any such closed cellar way or basement way, extend above the grade of the sidewalk, nor exceeding one inch above the grade of the alley; nor shall the hinges, lock or other fastenings thereof, be placed on the upper side thereof so as to project above the door, unless within two feet of the building. No show window shall extend upon any sidewalk more than eighteen inches, and all cellar windows or coal holes, placed in any sidewalk or alley, shall be well secured by an iron grating or otherwise, laid even with the grade of the sidewalk or alley. Whoever shall violate or shall fail to comply with the requirements of this section, shall be subject to a penalty of not less than three dollars, and to a like penalty for each day he shall fail to comply herewith, after notice to do the same by the Mayor, the Supervisor or the Marshal.

SEC. 17. No fixture, building, fence, or other erection or enclosure, extending or encroaching upon any street, alley, or sidewalk, contrary to ordinance, shall be repaired or rebuilt, under a penalty of not less than ten dollars.

SEC. 18. Whoever shall place, hang, or set out over or upon any sidewalk, any goods, wares, or merchandise, except within three feet of the building or premises occupied by him, or shall place, suspend, or erect any sign, show bill, show case, flag, or other obstruction projecting into or hanging over any sidewalk, exceeding three feet from the building or premises occupied by him, or shall knowingly permit the same to be done in front of any building or premises owned or occupied by him under his control, shall, in each case, be subject to a penalty of not less than one dollar, and an additional penalty of one dollar for each hour the same shall remain, after notice to remove the same by the Mayor, the Supervisor, or any police officer.

SEC. 19. No person shall encumber or obstruct more than four feet of the outer edge of the sidewalk with any goods, wares, merchandise, fuel or other articles or property he may be receiving or delivering, nor shall permit the same to remain upon any sidewalk longer than may be necessary in the diligent removal thereof, nor in any case to exceed twenty-four hours, under a penalty of not less than one dollar; and to an additional penalty of one dollar for each hour the same may remain, after notice to remove the same by the Mayor, the Supervisor, or any police officer.

SEC. 20. Whoever shall purposely push or draw any sleigh, wagon, or other vehicle, or drive, lead or ride, any team or beast of burden over or upon any paved or planked sidewalk, unless it may be necessary in crossing the same to go into his own premises or into premises where no wagon crossing or other suitable means of access is provided, shall be subject to a penalty of not less than three dollars.

SEC. 21. Whoever shall fasten or leave any team or beast of burden in such a manner as that the team, the vehicle, the animal, the harness, the lines, or any thing belonging thereto, shall be an obstruction to the sidewalk, shall be subject to a penalty of not less than one dollar.

SEC. 22. Whoever shall not keep the paved or planked sidewalks in front of or adjoining the premises owned or occupied by him and under his control, so as not to be obstructed by snow, dirt, weeds, or other obstruction, shall be subject to a penalty of one dollar, and to a like penalty for each day he shall not remove such obstruction, after notice to do the same by the Mayor, the Supervisor, or any police officer.

SEC. 23. Whoever shall obstruct any street crossing by unnecessarily stopping thereon with any team, vehicle, or animal, so as to incommode persons crossing the same, shall be subject to a penalty of not less than one dollar.

SEC. 24. Whoever shall suffer or permit the water falling or draining from any building owned by him or under his control, to spread over the sidewalk in front thereof, shall be subject to a penalty of one dollar, and to a like penalty for each day he shall not remedy the same, after notice to do the same by the Mayor, or the Supervisor.

DIVISION IV.—OF BOYS.

SECTION 1. Any two or more boys, who in the night time may be assembled together and disturbing any lawful assemblage of persons, or making any unusual noise or disturbance to the disquiet or annoyance of the neighborhood; or who may be found loitering or strolling about, and who shall not disperse and go to their several homes when required by the Mayor or any police officer, shall each severally be subject to a penalty not exceeding five dollars in each case.

SEC. 2. No boy or other person shall, in the inhabited part of the city, use or drive any hoop, or use any bow and arrow, or raise or fly any kite, or smoke or fire balloon, or (except upon national holidays or other public and general celebrations,) make or kindle any bonfire, or fire, explode or set off any fire arms, fire balls, fire cracker, torpedo, rocket, or other fire works; or shall otherwise pursue any amusement or exercise calculated to impede travel, or to frighten animals, or injure or annoy persons passing along the streets or sidewalks, under a penalty of not exceeding five dollars in each case.

SEC. 3. No boy or other person shall purposely or heedlessly cast or throw any stone or other missile, from or into any public place, or at any person, or at, upon, against, or into any building, premises, tree, or other property, or shall walk upon the top or capping of any fence or railing, or climb upon the same, or into any shade or ornamental tree upon any sidewalk or elsewhere without the consent of the owner thereof, or shall in any wise injure, deface, or destroy any building, fence, railing, tree, or other property, or shall meddle with any public well, cistern or pump, under a penalty of not exceeding ten dollars in each case.

SEC. 4. Any boy or other person who shall willfully or heedlessly make any

unusual noise or disturbance to the disquiet or annoyance of others; or shall disturb any assembly met for religious worship; or any other lawful assembly of persons; or who shall assault or strike any other boy or person; or who shall trespass upon any public grounds or private premises, and injure, carry away, or destroy any tree, fruit, vegetable, plant, shrub, or other thing of value therein; or who shall get into or upon any wagon or other vehicle, without the consent of the owner thereof; or shall otherwise purposely annoy or molest any other person, shall be subject to a penalty of not exceeding ten dollars in each case.

SEC. 5. Any boy or other person who shall abet or encourage any violation hereof, or any other unlawful act, shall be subject to a penalty not exceeding ten dollars.

PASSED, July 26, 1859.

CHAPTER XIX.

NUISANCES.

An Ordinance in relation to Nuisances.

DIVISION I.—NUISANCES IN GENERAL.

SECTION 1. Any premises or any part thereof, which may be nauseous, foul or offensive to the neighborhood, or to any person or family residing near the same, or to persons passing along any street or alley near the same, or in such a condition as to be detrimental or obnoxious to the public health or comfort, shall be deemed a nuisance, and any owner or occupant of such premises, who shall neglect or refuse to abate, remedy, or remove such nuisance, or clense such premises after notice thereof by the Supervisor, the Marshal, or any police constable, shall be subject to a penalty of not less than three dollars for each day he shall so neglect or refuse to abate, remove, remedy, or cleanse the same after such notice.

SEC. 2. Any pen, place, or premises in which swine are kept or confined, which may be offensive, or an annoyance to any person residing near the same, or to persons passing along any street or alley near the same, is hereby declared to be a nuisance, and the owner or keeper of such swine, or the owner and occupant of the premises, who shall neglect or refuse to abate, remedy, or remove such nuisance, after notice thereof by the Supervisor, the Marshal, or any police constable, shall be subject to a penalty of not less than three dollars for each day he shall so neglect or refuse to abate, remedy or remove such nuisance after such notice.

SEC. 3. Any nauseous, foul or offensive, or putrid liquid, or substance, or any liquid or substance likely to become nauseous, foul, offensive or putrid, which may be discharged, placed, or thrown, or flow from, or out of any premises, into any street or alley, or into any adjacent premises, is hereby declared a nuisance, and whoever shall throw, place, or discharge any such nauseous, foul, offensive, or putrid liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive, or putrid, into any street or alley, or into any adjacent premises, or shall permit any such nuisance to be discharged, or to flow from or out of any premises owned or occupied by him or under his control, into any street or alley, or into any adjacent premises, shall be subject to a penalty of not less than three dollars, and to

a like penalty for each day he shall not abate, remedy, or remove the same, after notice thereof by the Supervisor, the Marshal, or any police constable.

SEC. 4. Whoever shall deposit, throw, or discharge, or leave any nauseous, foul, offensive, or putrid liquid, substance, or excrement, or any liquid or substance likely to become nauseous, foul, offensive, or putrid within the city, or (so as to be or likely to become offensive or injurious to the health or comfort of any person residing within the city,) within one half mile thereof, shall be deemed guilty of a nuisance, and shall be suject to a penalty of not less than three dollars, and to a like penalty for each day he shall not abate, remedy, or remove such nuisance after notice thereof by the Supervisor, the Marshal, or any police constable.

SEC. 5. Any person who shall knowingly suffer any dead animal belonging to him to remain within the city, or within one half mile thereof, so as to be or be likely to become putrid and nauseous, or offensive to any person residing within the city, shall be deemed guilty of a nuisance, and shall be subject to a penalty of not less than three dollars.

SEC. 6. No person shall in removing any dead animal, or excrement, or any other nauseous, offensive, or putrid liquid, or substance, purposely or unnecessarily cause the same to be offensive or annoying to any other person, under a penalty of not less than three dollars.

SEC. 7. When any nuisance or any thing likely to become a nuisance, shall be found by the Supervisor, the Marshal, or any police constable, or shall be reported to them, the author, owner, or cause of such nuisance, shall forthwith be notified to abate, remedy or remove the same, and in case he shall not comply with such notice, the officer shall abate such nuisance, and bring suit against such person in the name of the city, for the penalty, and the costs of removal or abatement may also be recovered with the penalty, or by a separate suit in the name of the city before any court having jurisdiction. When any nuisance or any thing likely to become a nuisance, may be found upon any premises, and the owner, author, or cause of such nuisance is unknown or can not be found, the owner, occupant, or agent of such premises shall be notified to abate the same, and if such owner or his agent or occupant, whose duty it is to abate such nuisance shall not comply with such notice, he shall be subject to a penalty of not less than three dollars, and the officer shall proceed without delay to abate the same, and may bring suit in the name of the city against the person liable therefor, for the penalty and the costs of removal or abatement, or if no person liable therefor can be found, may report such costs under oath to the City Council for allowance, and assessment against the premises chargeable therewith. When the owner, author, or cause of such nuisance, or the owner or his agent, or the occupant of the premises upon which such nuisance may exist is unknown or cannot be found within the city, the officer shall abate such nuisance forthwith without notice, and may bring suit in the name of the city for the penalty and the costs of removal or abatement against the owner, author, or cause of such nuisance, or the owner or occupant of the premises, or other person liable therefor, or if no person liable therefor can be found, may report the costs of such removal or abatement under oath to the City Council for allowance, and assessment against the premises chargeable therewith.

DIVISION II.—NUISANCES UPON LOTS.

SECTION 1. Any lot or premises upon which stagnant water may be standing so

as to become or be likely to become putrid, foul, or offensive, or detrimental to the health and comfort of persons residing in the neighborhood thereof, is hereby declared a nuisance.

SEC. 2. When any lot or premises shall be referred to the Board of Health by the City Council, or reported to them as a nuisance, or as likely to become a nuisance, from stagnant water standing thereon or any other cause detrimental to the public health or comfort, the Board shall examine into the condition of such lot or premises, and if the same shall be found in such a condition as to be detrimental or obnoxious to the health or comfort of persons residing in the neighborhood thereof, shall report such lot or premises as a nuisance to the City Council, stating the cause, and the manner deemed best for abating such nuisance, either by filling up or draining such lot or premises or otherwise.

SEC. 3. When any lot or premises shall be reported to the City Council as a nuisance by the Board of Health, the City Council may, by the passage of an ordinance, declare such lot or premises to be a nuisance, stating the cause therefor, and require the owner or occupant of the lot or premises or other person liable therefor to fill up or drain such lot or premises, or otherwise abate such nuisance, within such time as may be named in the ordinance.

SEC. 4. The Mayor shall, without delay, after the passage of any ordinance declaring any lot or premises a nuisance and requiring such nuisance to be abated by the filling, draining, or otherwise improving of such lot or premises, cause a copy of such ordinance to be delivered to the owner of such lot or premises, or his agent, or the occupant thereof, or any other person whose duty it is to abate the nuisance thereon. If the owner of such lot or premises, or other person whose duty it is to abate the nuisance thereon, is not a resident of the city, the Mayor may inclose a copy of the ordinance to such owner or other person by mail, directed to him at the post office at which he usually receives his letters, if known. But if such owner or other person whose duty it is to abate such nuisance, or his agent, is unknown, or the place of his residence is unknown, the ordinance shall be published for three days in the newspaper publishing the ordinances of the city, which shall be sufficient notice to all persons.

SEC. 5. If any lot or premises shall not be filled up or drained or such nuisance otherwise abated in compliance with such ordinance, the Mayor shall cause the same to be done by the City Supervisor, or may let the same by contract in the same manner as for public improvements, and when completed shall report to the City Council an accurate account of the cost thereof, under the oath of the Supervisor or of the contractor doing the same, and the amount so necessarily expended in abating such nuisance may be recovered of the owner of such lot or premises, or of any other person liable therefor, by suit in the name of the city before any court having jurisdiction, or may be assessed against the lot or premises chargeable therewith, and collected by warrant and sale of the same in the same manner as other nuisances.

SEC. 6. When any lots or premises shall be filled up or drained, or any nuisance thereon otherwise abated, the officer or contractor doing the same shall keep an accurate account of the cost of abating such nuisance upon each separate lot or premises, and shall report the same separately, but if the exact cost of each cannot be ascertained, he shall apportion the costs equitably as near as may be to each separate lot or premises.

DIVISION III.—DILAPIDATED BUILDINGS.

SECTION 1. Any wooden building or wooden part of any building in the fire limits, which may be situated within thirty feet of any contiguous building, and which shall be so dilapidated and out of repair as to be untenantable, is hereby declared a nuisance.

SEC. 2. When any such building or part of building shall be reported to the City Council, the same shall be referred to the committee on fire and water or other appropriate committee, who shall examine such building and report the condition thereof, and if the City Council shall be satisfied that such building is untenantable and within thirty feet of any adjoining building, they may pass an ordinance requiring the removal of such building, describing the same and the location thereof, without the fire limits, within such time as they may deem necessary.

SEC. 3. The Mayor shall, without delay, after the passage of any ordinance requiring the removal of any such building, make out, sign, and deliver to the Marshal, a notice containing a copy of the ordinance, directed to the owner of such building, requiring him to remove the same in compliance therewith. The Marshal shall, without delay, serve such notice upon the owner of such building, or his agent, retaining a copy thereof. But if the owner is a non-resident and has no known agent residing in this city, the Mayor shall send the notice to him by mail, directed to him at the post office at which he usually receives his letters, if known, retaining a copy thereof. If no owner or his agent can be found, or the owner or his place of residence is known, the Mayor shall cause the ordinance to be published for three days in the newspaper publishing the ordinances of the city, which shall be deemed sufficient notice to all persons. If any such building shall not be removed in compliance with such notice, at the expiration of the time named therein, the Mayor shall order the City Marshal to remove or tear down such building, or such part thereof as may be necessary.

SEC. 4. The Marshal shall, without delay, execute the order of the Mayor, and shall report the costs of removal of any such building upon oath to the City Council, and the same may be collected of the owner of the building by suit in the name of the city before any court having jurisdiction, or assessed against the premises chargeable therewith, and collected by warrant and sale of the same, in the same manner as in other nuisances.

SEC. 5. Any owner of any such building who shall, when notified thereof, neglect or refuse to remove any such building, in compliance with such notice, shall be subject to a penalty of not less than twenty dollars.

SEC. 6. Any building or erection, or part thereof, which shall be in danger of falling, or otherwise in such a condition as to endanger the safety of persons in passing under or near the same, or residing adjacent thereto, or to endanger any property contiguous thereto, is hereby declared to be a nuisance.

SEC. 7. When knowledge of any such dangerous building or erection shall come to the Mayor, he shall, without delay, summon three disinterested citizens of the city, who shall with him inspect such building or erection, and if they or a majority of them, shall be of the opinion that the same endangers the safety of persons passing under or near the same, or residing adjacent thereto, or any property contiguous thereto, the Mayor shall, without delay, notify or cause to be notified the owner or person having charge of such building or erection, forthwith to remove, demolish, or otherwise secure the same or such part thereof as may be necessary;

and upon his failing or refusing to comply with such notice, the Mayor shall, without delay, cause such building or erection, or such part thereof as may be necessary, to be removed, demolished, or otherwise secured, so as to be safe and harmless; and the owner of such building or erection, or person having charge of the same, who shall so fail or refuse to comply with such notice, shall be subject to a penalty of not less than twenty dollars, and the costs of removing, demolishing, or securing such building or erection, shall be reported to the City Council by the Mayor, and the same may be collected of the owner of such building or erection, or person having the same in charge, by suit, in the name of the city before any court having jurisdiction, or assessed against the premises chargeable therewith, and collected by warrant and sale of the same, in the same manner as other nuisances.

SEC. 8. All scaffolds or other erections used in the erection of any building, shall be made secure and sufficiently wide to insure the safety of persons working thereon or passing under the same, against the falling thereof, or of materials that may be placed thereon. Any scaffold or other erection which may be otherwise constructed, shall be deemed a nuisance, and whoever shall erect or use any such insecure or dangerous scaffold or erection, shall be subject to a penalty of not less than ten dollars, and upon his failure or refusal to remedy or remove the same forthwith, when required by the Mayor, the Supervisor, or any police officer, the officer shall cause the same to be done and the costs of such removal shall be collected of the owner or builder thereof and recovered by suit in the name of the city before any court having jurisdiction.

DIVISION IV.—ASSESSMENTS FOR ABATING NUISANCES.

SECTION 1. When any costs or expenses necessarily expended in removing or abating any nuisance upon any premises chargeable therewith, shall be reported to the City Council and examined by them, they may by an order to be entered at full upon the journals, approve and confirm the same, and levy and assess such costs and expenses against the premises chargeable therewith. The order shall contain a correct list and description of the premises, with the name of the owner thereof, if known, and the amount assessed against each lot or premises set opposite thereto, and may be substantially as follows, to wit:

"Ordered by the City Council, that the several sums set opposite to each of the following described lots, (parts of lots, real estate, or premises, as the case may be,) to wit:

Name of owner.	DESCRIPTION.			Amount of Assessment.
	Lot.	Block.	Addition.	
A. B.	1	22	Ralston's,	$20,00
C. D.	N½ 5	21	Fonda's,	5,00
E. F.	4	6	Mason's.	40,00

Being the costs and expenses approved by the City Council, for abating nuisances upon each of the aforesaid lots or premises, by the city, after failure of the owners or other persons whose duty it was to abate such nuisance, after due notice to do the same in pursuance of the ordinances of the city, be, and the same are hereby levied and assessed against each of said lots or premises to defray the costs and

expenses of abating said nuisance thereon, and that a warrant issue for the collection of said assessment against each lot, parts of lot or premises, returnable within sixty days from the date thereof."

SEC. 2. The City Clerk shall, without delay, after the passage of the order of assessment, make out and deliver to the Collector of Taxes, a warrant for the collection of the assessments containing a true copy of the order of the City Council, signed by the Mayor and himself under the corporate seal, and returnable within sixty days from the date thereof. The Clerk shall take the receipt of the Collector for the warrant upon delivery thereof and charge him with the amount of the same.

SEC. 3. The Collector of Taxes upon receipt of the warrant, shall, without delay, cause a notice, signed by him, to be published for ten days, in the newspaper publishing the ordinances of the city, stating that the warrant for the collection of the assessments made by the City Council against the premises named therein, (describing the same with the name of the owner thereof, if known, and the amount of the assessment as fully set forth in the warrant,) and for the sums set opposite to each, for the costs and expenses of abating nuisances upon such premises, has been delivered to him for collection and that payment of the same is demanded. Such notice shall be deemed a sufficient demand and a neglect to pay such assessment for twenty days after the expiration of such notice shall be deemed a refusal. But the Collector shall, as far as is practicable, make personal demand of payment of the owner of such premises, or his agent, or other person liable therefor, if he may be found within the city.

SEC. 4. The Collector of Taxes shall, in the collection of the warrant have all the powers conferred on him by law in the collection of general warrants for taxes, and shall perform the same duties and be subject to the same liabilities, and his return may be made in like form. The City Council may by order or resolution extend the time of the return of the warrant.

SEC. 5. When any warrant shall be returned unsatisfied in whole or in part as to any assessment against any lot or premises or any part thereof, the City Council may at any time thereafter, by an order to be entered at large upon the journals or record kept by the Clerk, direct the Collector to sell the delinquent premises, (describing the same with the name of the owner thereof, if known, and the assessments severally due thereon and purpose thereof as fully set forth in the warrant,(or so much thereof as may be necessary for the payment of such assessment and the costs of sale.

SEC. 6. The City Clerk shall, without delay, after the passage of the order of sale, make out a certified copy thereof signed by himself and the Mayor under the corporate seal, and attach to the warrant, and deliver the same to the Collector. The copy of the order, and the warrant shall constitute the process upon which the Collector shall sell the delinquent premises described therein, and they may be sold at any time within two years after the approval or confirmation of such assessment by the City Council.

SEC. 7. The Collector of Taxes shall then sell the delinquent premises or so much thereof as may be necessary to pay such assessment and the costs of advertising the same for sale, he first giving notice of the time and place of sale, by publishing an advertisement at least four times in the newspaper publishing the ordinances of the city, the first publication to be made at least thirty days before such sale, describing the delinquent lots or premises by figures or otherwise, with

the name of the owner, if known, and the amount of the assessments severally due thereon, as fully as set forth in the warrant, and stating that the smallest portion of the lot or premises to be taken from the east side thereof, will be sold to the person who will take the same and pay the assessment due against the same for abating nuisances thereon and the costs of advertising the same for sale. All proceedings may be stopped at any time before sale, by payment of the assessment and the costs of advertising.

SEC. 8. All subsequent proceedings shall be the same in all respects whatever as in cases of sales for general taxes, and the duties and liabilities of the Collector, the City Clerk, the City Council and purchasers, shall in all respects whatever, be the same as is prescribed by law or ordinance in sales for general taxes.

PASSED, July 26, 1859.

CHAPTER XX.

OFFICERS.

An Ordinance in relation to City Officers.

DIVISION I.—OF CITY OFFICERS IN GENERAL.

SECTION 1. The City Council may by an order require any city officer before entering upon the discharge of the duties of his office, to execute bond to the city, in such sum as may be named in the order, and with such sureties as they may approve. But no member of the City Council, or officer of the city, shall be received as a surety on the official bond of any city officer. The bond of each city officer shall be conditioned "*that he will faithfully execute the duties of his office, and account for and pay over and deliver all moneys and other property received by him, on account of the city.*" All official bonds shall be submitted to the City Council for their approval, which, when given, the City Clerk shall certify thereon, and shall file and preserve the same in his office. The City Council may, at any time, require a new bond to be executed by any city officer, if from any cause they shall deem the old bond or the sureties thereon to be insufficient, but the execution of such new bond shall not in any manner affect any liability, loss, or damage incurred under the old bond, or release the sureties from any liability incurred thereon. All bonds and contracts shall be written, or printed, or partly both, in a plain and legible manner.

SEC. 2. When any city officer shall have qualified as required by the charter and ordinances of the city, the City Clerk shall make out and deliver to him a commission under the corporate seal, signed by the Mayor or presiding officer of the City Council, and the City Clerk. The commission may be substantially as follows, to wit:

A. B., Mayor of the city of Warsaw: To all to whom these presents shall come: Greeting: Know ye, that C. D. Having been duly (elected or appointed as the case may be,) and qualified to the office of ——— of the city of Warsaw; I, A. B., Mayor, (or acting Mayor as the case may be,) of said city, for and in behalf of the people thereof; do hereby commission him ———, in and for said city: to

have and possess the said office, with all the rights, powers, and emoluments incident thereto, with authority to execute all the duties thereof according to law, until his successor shall be duly chosen and qualified.

In testimony whereof, I have hereunto set my hand and caused the corporate seal of said city to be affixed, this [*seal.*] ——— day of ——, A. D., one thousand eight hundred and fifty —, and of the Independence of the United States the eighty — year. By the Mayor,

A. B., Mayor.

E. F., Clerk.

SEC. 3. All officers collecting or receiving any moneys on account of the city, shall pay the same as fast as collected, into the city treasury, in the same kind of funds as received by them, and shall, on the first Monday of each month, report to the City Council an accurate statement of all moneys received by them for the preceding month, specifying the amount, from whom, and on what account received. No officer shall retain any moneys collected or received by him, toward the payment of any salary or fees which may be coming to him from the city, but shall pay the same into the treasury. Any officer violating any provision of this section shall be subject to a penalty of not less than ten dollars.

SEC. 4. The records, books, and papers pertaining to any city office, shall, at all reasonable times, be subject to the inspection and examination of the mayor, the city council, or any of its committees, or any person interested in the same; and all city officers shall, when requested, give all the information in their power pertaining to their respective offices, to the city council or any of its committees, the mayor, the board of school inspectors, or any other department of the city government.

SEC 5. When any particular officer required by ordinance to execute any particular duty, shall be absent or incompetent or otherwise unable to discharge such duty, the mayor may assign the discharge of such duty to some other officer, and such officer shall act in such case with the same powers and authority as if specially named in the ordinance.

SEC. 6. If any city officer shall remove from the city, or absent himself therefrom for three months, his office shall thereby be vacated. Any officer desiring to be temporarily absent, shall apply to the city council if in session, or if not, to the mayor for leave of absence; which may be granted for any time not exceeding one month, by the mayor, or by the city council not exceeding three months. Any officer who shall absent himself from the city for more than one week without such leave of absence, shall be subject to a penalty of not less than twenty dollars for each week he shall so absent himself.

SEC. 7. All officers shall be liable to the city for all loss or damage that may arise from their negligence or willful misconduct in the discharge of any official duty; and the city council may in their discretion, by order, withhold the salary of any such officer in order to secure the city from loss. And if any officer shall fail, neglect, or refuse to discharge or perform any duty required of him, the city council may employ or appoint some competent person to perform such duty, and the costs and expenses of doing the same shall be charged to such officer, and deducted from his salary; or if his salary shall be insufficient to pay the same, they may be collected from him and recovered by suit in the name of the city before any court having jurisdiction.

SEC. 8. Whenever it shall come to the knowledge of the mayor or any member of the city council, that any city officer is incompetent, or has willfully neglected or refused to discharge any of the duties of his office, or has been guilty of any malfeasance, misfeasance, or other improper conduct in the discharge of his official duties, he shall forthwith prefer charges in writing against such officer to the city council, specifying the nature of the offenses or offense with which he is charged. The city council shall immediately thereupon appoint by ballot a committee to consist of three members, to examine into such charges, and who, if upon such examination they shall deem them well founded, shall frame such charges with such additional charges as they may find probable cause for preferring, with specifications, and report them to the city council. Whereupon the city council shall set a day for hearing and determining the same within ten days. A copy of the charges and specifications with a notice of the day set for hearing the same, shall, without delay, be made out by the city clerk and delivered to the accused. Upon the day appointed the city council shall proceed to hear and determine concerning such charges, and hear and examine all evidence that may be afforded on both sides, and may, if necessary, adjourn from day to day, and shall, upon concluding such examination, vote by ayes and nays upon the charges whether the accused is guilty. The question upon each charge shall be "*is the accused guilty?*" and if two thirds of all the aldermen required by law to be elected, shall vote that he is guilty of any charge preferred, they may resolve that he be removed from office; and shall thereupon proceed to fill such vacancy according to law. The proceedings shall be entered at large upon the journals by the city clerk.

SEC. 9. The accused shall be heard, if he shall so desire, by himself or counsel in his defense, and the city attorney, if required, shall attend and prosecute on behalf of the city. But no exceptions shall be taken or allowed as to the form of the charges or specifications; and it shall be sufficient if the offense charged is clearly and substantially set forth.

SEC. 10. The mayor shall issue warrants under the corporate seal, for all witnesses, or the production of all papers that may be required, either before the city council, or before the special committee, and deliver the same to the city marshal, who shall serve the same by reading, or by delivery of a copy thereof to the person summoned, and shall make a return in what manner he has executed the same. And any person who shall neglect or refuse to appear or to testify when so required, or to produce any papers which he may have in his possession or under his control pertaining to such trial, shall be subject to a penalty of not less than fifty dollars, and may be compelled to appear or to testify in any other legal manner. When any witness may be unable to attend from sickness or other cause, or is beyond the jurisdiction of the council, his deposition, taken in accordance with the laws of the State, may be read in evidence.

SEC. 11. When any charges shall be preferred, the officer shall immediately be suspended until they are disposed of, and the city council may make a temporary appointment to fill such vacancy. If any officer shall, without good cause, neglect to appear at the time appointed, and answer the charges against him, his office shall be declared vacant, Any officer who may be removed from office, shall not receive any salary from and after the date charges are preferred against him.

SEC. 12. Any city officer, authorized or required by the city charter to be appointed by the city council, may be removed from office at any time by a vote of two thirds of all the alderman required by law to be elected. But the city council

may at its option cause charges to be preferred against such officer, and proceed to hear and determine the same in the same manner as is prescribed in the 9th Section hereof.

DIVISION II.—CITY ATTORNEY.

SECTION 1. The City Attorney shall be licensed to practice in the courts of the State, and shall prosecute or defend in behalf of the city in all cases in which the interests of the city, or the official acts of any officer or agent of the city are involved.

SEC. 2. He shall, when required, prosecute any suit brought in the name of the city before any police or other magistrate for the recovery of any penalty or otherwise.

He shall cause execution to be issued upon all judgments recovered in favor of the city, and attend to their prompt collection.

He shall report to the City Council or to the Mayor all cases in which he shall deem it expedient to take any appeal or writ of error on behalf of the city, and the City Council may, by an order or resolution, authorize the same to be done, and the Mayor shall enter into such bond or other obligation on the part of the city, under the corporate seal, and with such sureties as may be necessary; and such sureties shall be indemnified by the city from all loss or damage.

He shall prepare and file all necessary papers in all cases where the city is a party or interested. The City Clerk shall deliver to him any bond or other paper necessary to be used in any suit or other proceeding, taking his receipt for the same.

SEC. 3. He shall be allowed one dollar of all fines and penalties under ten dollars, and two dollars of all fines and penalties exceeding ten dollars, which may be recovered and collected in cases which he shall actually prosecute. He shall be allowed five dollars of each judgment under one hundred dollars, and ten dollars of each judgment exceeding one hundred dollars in favor of the city, obtained in courts of record, and collected by him.

SEC. 4. He shall report to the City Council without delay after the adjournment of each term of any court of record, and at such other times as he may be required, the state or disposition of all cases of the city pending in such court. He shall examine all fee bills of officers of courts and others, and certify to the correctness of the same, and the liability of the city therefor.

SEC. 5. The City Attorney may, in case of temporary absence, or otherwise being unable to attend to the duties of his office, with the consent of the Mayor and at his own expense, appoint some competent attorney to act in his place. The City Council may authorize the retaining of assistant counsel when deemed expedient.

DIVISION III.—CITY ENGINEER.

SECTION 1. The City Engineer or Surveyor shall, when required by the Mayor, the City Council, or any of its committees, make out plans, estimates and specifications for any public work which may be ordered or proposed by the City Council, and superintend the construction thereof.

He shall, when required by the City Council, make surveys of the grades or boundaries of streets or alleys, and prepare plats or profiles thereof, and report the

same to the City Council, and no such survey of any grade or boundary shall be established and valid, until the plat or profile thereof shall be reported to and approved by the City Council.

He shall, when required, receive, inspect, or measure any lumber or other materials to be used for any public work, and if necessary shall keep an accurate account in a suitable book, of the quantity and quality of the same, and from whom received, and the cost thereof, and also for what purpose used, or to be used, and to whom delivered.

He shall examine all accounts for materials received by him on account of the city, and if correct, certify the same to the City Council.

SEC. 2. He shall preserve in his office all records and plats of surveys, and all books, papers and writings pertaining to his office.

He shall make out and keep a diagram or plat of all the grades and boundaries of streets and alleys established by the City Council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established; and he shall record in a suitable book the profiles and notes of all surveys of grades and boundaries established, and shall preserve the original papers relating thereto; and shall otherwise keep a systematic record of all the transactions pertaining to his department.

SEC. 3. He shall make all surveys in the city that he may be called upon to make; and shall employ at his own expense the necessary chainmen and other assistants, who shall, before entering upon their duties, be sworn before him, or any person authorized to administer oaths, "*to measure accurately and justly, and to perform their duties to the best of their knowledge and ability.*"

He shall acquaint himself with the original surveys of the town and city, and shall, as far as it is practicable, provide himself with copies of the field notes of the original surveys; and shall make his surveys in accordance therewith; and he shall note all errors and discrepancies in the original surveys, or re-surveys, as soon as discovered.

SEC. 4. He shall, upon finding or establishing the boundary of any lot or tract surveyed, plant a substantial stake or stone at each corner thereof, and give to the owner, or person employing him, if required, a certificate, stating the date, and, as far as practicable, the metes and bounds of the survey, and he shall record all such surveys in a suitable book, stating the date of the survey, for whom made, and describing, as far as practicable, the metes and bounds thereof.

SEC. 5. He shall be entitled to charge and receive as his fees for giving the line of or for surveying any single lot or tract the sum of two dollars; for making a plat of the same, including the block in which the lot or part of lot belongs, one dollar; for subdividing any lot, block, or tract so surveyed, for each subdivision less than ten, including the necessary plats thereof, fifty cents, for each subdivision over ten and less than twenty, forty cents; for each subdivision over twenty and under forty, thirty cents each; for each subdivision over forty and under one hundred, twenty-five cents each, and for each subdivision exceeding one hundred, twenty cents each.

He shall mark the grade of any street or alley, where the same is established, at the request of any person wishing to make any erection or enclosure, or lay any sidewalk.

SEC. 6. The City Clerk shall return to the City Surveyor and Engineer all plats and other papers pertaining to his department, as soon as the City Council shall have no further use therefor.

DIVISION IV.—CITY SUPERVISOR.

SECTION 1. The City Supervisor shall superintend all improvements ordered by the City Council upon the streets and alleys, and make all necessary repairs thereof. But no improvement or repair, except such repairs as may be actually necessary, shall be made without the order of the City Council; and he shall, without delay, cause all breaks in any planked street or alley, bridge, culvert, apron or street-crossing, or other insecure or unsafe place, to be repaired, and report the costs thereof to the City Council for allowance, and when the probable cost of any such repair shall exceed twenty-five dollars, the same shall be made with the concurrence of the Mayor, or of the committee on streets and alleys. He shall annually, as early as is practicable in the spring of the year, under the direction of the Mayor, or the committee on streets and alleys, cause the streets and alleys, where needed, to be cleansed and the gutters to be opened, and he shall, as far as it is practicable, keep them in that condition during the year. He shall, from time to time examine into the condition of the streets and alleys, bridges, culverts, cross-walks, and side-walks, and report the same to the city council, and recommend such improvements or repairs as he may deem needed.

SEC. 2. He may, by authority of the City Council, when the street labor shall be insufficient for repairing the streets, employ such laborers and carts and teams as may be deemed necessary by the City Council, and at such price as may be fixed by them, not exceeding the usual rates paid by others for similar labor and service.

He shall oversee and direct the street laborers and workmen in the employ of the city, and require them to labor faithfully, and shall keep a correct account of their time in a suitable book.

He may procure the necessary implements for performing street work, or materials for bridges, culverts or cross-walks, but he shall purchase no implements or materials without making his written request to the Mayor, and getting his order therefor.

SEC. 3. He shall keep in an appropriate book, and in such manner as may be required, by the Committee on Finance, a plain and accurate account of all expenditures made under his supervision, specifying to whom made, for what purpose, and to what ward chargeable.

He shall keep a correct list and account of all implements, materials and other property of the city in his charge, and shall be accountable therefor; and shall deliver the same to his successor in office, taking his receipt therefor, which he shall file with the City Clerk, who shall credit him with the same, and charge his successor therewith.

When he shall purchase any implements on account of the city, he shall immediately report the bill thereof to the City Clerk, who shall charge him with the same at cost. He shall cause all implements belonging to the city to be legibly marked or branded with the letters "*C. W.*"

SEC. 4. He shall examine all accounts of contractors and others for work pertaining to his department, or for implements and materials furnished therefor, and if correct, certify the same to the City Council.

SEC. 5. He shall, at each regular meeting, report to the City Council a statement of all expenditures under his supervision for the preceding month, specifying the purpose of such expenditure and the ward in which the same was made, and if required, the person to whom made. No account presented or certified shall be allowed, or warrant issued thereon, unless it shall be so rendered as to show to what account and ward it is chargeable.

SEC. 6. The City Supervisor shall cause all ordinances in relation to the streets and alleys and sidewalks to be enforced, and shall prosecute all violations thereof. He shall obey all such orders, general or special, as he may receive from the City Council, the Committee on streets and alleys, or the Mayor, and for refusal or willful neglect to perform any duty required of him by the charter or any ordinance, he shall be subject to removal from office.

SEC. 7. The City Council shall, as soon as practicable after the commencement of each fiscal year, appropriate from the general fund, an amount to be expended in improving and repairing the streets and alleys, setting apart to each ward a sum equal as near as may be to the proportion of general taxes paid by such ward. Street taxes shall be exclusively expended in the wards in which the persons paying the same reside.

The City Clerk shall credit each ward with the amount of such appropriation and street taxes paid, and charge it with the amount of all warrants drawn against it.

The City Clerk shall immediately notify the Mayor or City Council when any such appropriation is exhausted, and thereafter no warrant shall be drawn against the same until the further order of the City Council; and no new contracts shall be let or improvements ordered, except for such repairs of the streets and alleys as may be actually necessary.*

SEC. 8. When any bridge, cross-walk, culvert, or other street work shall be ordered by the City Council, the location and manner of constructing thereof shall be designated in the order.

Cross-walks shall be constructed not less than two nor exceeding four feet in width, and shall be so laid as not materially to obstruct the road way; and when the width is not specified in the order, shall be laid to the width of three feet.

DIVISION V.—CITY WEIGHER.

SECTION 1. There shall annually be appointed a City Weigher, who shall hold his office for one year, and until the qualification of his successor.

He shall attend at the public scales at all reasonable hours during the day, for the purpose of weighing each load or parcel that may be presented to be weighed. He shall keep an appropriate book in which he shall enter the kind, and weight of each load or parcel weighed, and for whom and the date when weighed, and shall give a certificate thereof to the person applying for the weighing of such load or parcel, which certificate shall be delivered to the purchaser on sale or delivery of the load.

SEC. 2. No person shall deliver, or sell, or offer for sale, any load of hay or stone coal, without the same being first weighed by the city weigher and a certificate thereof given, under a penalty of not less than five dollars in each case. But the provisions of this section shall not be deemed to apply to any stone coal sold or delivered by the car load upon any railroad or by the boat load.

SEC. 3. The City Weigher may charge and receive ten cents for each load or parcel not exceeding five thousand pounds weighed by him, and twenty cents for each load or parcel exceeding five thousand pounds net, to be paid by the person applying therefor.

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* An action for damages resulting from negligence in not repairing the streets, will lie against a municipal corporation, if the duty to make repairs is fully declared, and adequate means are put within the power of the corporation to perform the duty.—Browning vs. Springfield, 17 Ills., 143.

SEC. 4. When the vehicle and load shall be weighed together, the weigher's certificate shall state the gross weight thereof; and upon sale or delivery of the load, the vehicle shall be weighed and the nett weight of the load ascertained; and he shall calculate and enter upon the certificate the quantity of bushels, or tons, or parts thereof, in the load, if the same be sold or delivered by the bushel or ton. But if the vehicle shall have been before weighed, and the weight thereof ascertained, it shall not be necessary to re-weigh the same, unless required by the purchaser of the load, and no charge shall be made for weighing the vehicle in order to ascertain the nett weight of the load. Whoever sha'l neglect or fail to have his vehicle weighed after sale or delivery of the load thereof as herein required, shall be subject to a penalty of five dollars.*

SEC. 5. Whoever shall alter any certificate of the weigher, or shall use or attempt to use the same, for any other load or parcel than the one for which it was delivered, or shall after the weighing and before the sale and delivery of any load or parcel diminish the quantity thereof, or shall practice, or attempt to practice any other fraud or deceit in the weighing, sale or delivery of any load or parcel, shall be subject to a penalty of not less than ten dollars in each case; and the weigher shall use diligence in detecting fraud or deceit, and prosecute the person guilty of the same.

SEC. 6. The weigher shall test the accuracy of his scales monthly, and oftener if he has cause to think them inaccurate. He shall keep them in good order and cause them to be repaired when needed; but no expense exceeding five dollars shall be incurred without the consent of the Mayor.

SEC. 7. No person shall be appointed, or be competent as city weigher, who shall directly or indirectly follow the business of buying, selling, or delivering hay or stone coal.

SEC. 8. The City Clerk shall procure the necessary book and printed blank certificates for the use of the weigher, and shall number the same, and deliver them to him, taking his receipt for the number thereof, and charging him at the rate of ten cents for each blank certificate, and crediting him from time to time with the Treasurer's receipts, filed by him, and other proper credits.

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*The hundred weight shall consist of one hundred pounds—and twenty such hundreds shall constitute a ton. Rev. Stat., 1845, Chap. 108, Sec. 5.

An Act to amend an Act concerning Weights and Measures. Approved, February 14, 1855. Laws of 1855, Page 176.

Be it enacted by the people of the State of Illinois, represented in the General Assembly: That whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, the weight per bushel shall be as follows, to wit; Shelled corn, fifty-six, (56) pounds; corn in ear, seventy (70) pounds; wheat, sixty (60) pounds; rye, fifty-six (56) pounds; oats, thirty-two (32) pounds; barley, forty-eight (48) pounds; Irish potatoes, sixty, (60) pounds; sweet potatoes, fifty-five (55) pounds; white beans, sixty (60) pounds; castor beans, forty-six (46) pounds; clover seed, sixty (60) pounds; timothy seed, forty-five (45) pounds; flax seed, fifty-six (56) pounds; hemp seed, forty-four (44) pounds; blue grass seed, fourteen (14) pounds; buck wheat, fifty-two (52) pounds; dried peaches, thirty-three (33) pounds; dried apples, twenty-four (24) pounds; onions, fifty-seven (57) pounds; salt, fifty (50) pounds; stone coal, eighty (80) pounds; malt, thirty-eight (38) pounds; bran, twenty (20) pounds; turnips, fifty-five (55) pounds; hair for plastering, eight (8) pounds; unslacked lime, eighty (80) pounds; corn meal, forty-eight (48) pounds; fine salt, fifty-five (55) pounds.

The Weigher shall, on the first Monday of each month, report to the City Council the number of certificates issued, and the amount received for weighing during the preceding month; and he shall also pay such amount into the city treasury.

SEC. 9. Any City Weigher who shall knowingly give any false or fraudulent certificate of the weight or quality of any load or parcel weighed by him, shall be subject to a penalty of not less than ten dollars, and may be removed from office.

Passed, July 26, 1859.

CHAPTER XXI.

PAUPERS.

An Ordinance in relation to the support of Paupers.

SECTION 1. All inhabitants of the city of Warsaw who have not the means for their own support, and who are unable, on account of physical disability or accident, to support themselves, and who have no relations residing in the county of Hancock, who by the laws of the State are bound for their support, are hereby declared paupers, and as such, their support shall be a proper charge upon said city.

SEC. 2. It shall be the duty of the City Marshal, whenever a case of pauperism shall come to his knowledge, forthwith to visit said pauper or paupers, and report the circumstances of the case to the Mayor, and if the Mayor, on hearing the Marshal's report, shall deem the subject a proper one for relief by the city, the Marshal shall, under the direction of the Mayor, procure for such pauper or paupers, medical or other attendance, food, clothing or shelter, as the case may require; *Provided*, that in case the Mayor may decide adversely to any application for relief, on hearing the report of the Marshal, an appeal may be taken to the City Council, by petition filed with the City Clerk, prior to the next meeting thereof.

SEC. 3. It shall be the duty of the City Marshal, to keep a book, to be called a Pauper Book, in which he shall insert the name of every pauper obtaining relief from the city, a list of the necessaries furnished the same, from whom, and the date whan obtained, and the price to be paid for the same, which said book he shall lay before the City Council at every regular meeting thereof, or if called for, at any special meeting.

SEC. 4. The City Council shall not allow any bill for attendance on, or necessaries, or shelter furnished for any pauper or paupers, unless the same shall first have been ordered by the City Council, Mayor, or the Marshal, under his direction; *Provided*, that in case of sudden accident or illness, when the Mayor or Marshal's order could not be first obtained without danger to the patient, the first visit of a physician may be allowed without showing a previous order, as above required.

SEC. 5. Whenever any person who is a pauper, shall desire to leave the city, and shall be unable to do so for want of the necessary means, the Mayor is hereby authorized, if in his judgment the interest of the city would be promoted thereby, to draw a voucher on the Treasurer, in amount not exceeding twenty-five dollars, for the porpose of procuring the removal of such pauper or paupers; *Provided*, the Mayor shall report every such voucher drawn under provision of this section, to the City Council, at its next meeting.

SEC. 6. Whenever any pauper shall be able, without detriment to his or her health, to earn a partial support, the City Marshal shall, whenever the interest of the city requires, furnish said pauper with employment, upon any work necessary for the city to have done; *Provided*, such employment cannot be obtained from other sources.

SEC. 7. It shall be the duty of the City Marshal, from time to time, to visit the paupers who are a charge upon the city, and whenever, in his judgment, any pauper becomes able to earn a livelihood for himself, he shall report the same to the Mayor, who shall order such pauper to be discharged from the pauper list.

SEC. 8. The Marshal shall receive as a compensation for his services to be performed under this ordinance, a salary, to be paid quarterly, of fifty dollars per annum.

Passed, April 18, 1859.

CHAPTER XXII.

POLICE DEPARTMENT.

An Ordinance organizing and establishing the Police Department.

SECTION 1. The police department of the city shall consist of the Mayor, the Aldermen, and Police Magistrates—who shall, *ex-officio*, be members of the police department—the City Marshal and such police constables and watchmen as may be appointed by the City Council.

SEC. 2. The City Council may annually, at the time of appointing the other city officers, appoint by ballot one or more Police Constables, not to exceed one for each ward, who shall, unless it may be otherwise specially provided, possess the same power, perform the same duties, and be subject to the same liabilities as the City Marshal.

SEC. 3. The City Council may, when deemed expedient, appoint by ballot a competent number of watchmen to continue in office during the pleasure of the City Council, and to be subject to removal at any time by the Mayor, for good cause. The watchmen shall have and exercise all the powers, perform all the duties, and be subject to all the liabilities incident to the office by law, or such as may be prescribed by ordinance.

SEC. 4. Each Police Constable or Watchman shall, before entering upon the discharge of the duties of his office, take and subscribe the oath required by the city charter of other city officers, and may be required by the City Council to execute bond to the city, conditioned as in the case of other city officers, and in such sum, and with such sureties as they may prescribe by order or resolution. The bond and oath of office shall be filed in the office of the City Clerk. Watchmen and Police Constables shall receive such salary or compensation as may be provided by the City Council.

SEC. 5. The Mayor shall exercise a general supervision and control over the police department, and shall see that the various police officers are prompt and efficient in the discharge of their duties; and he shall from time to time take such measures for the preservation of the public peace and good order, and for the

prompt and efficient execution of the laws of the State, and the ordinances of the city, as may be deemed most expedient and best to accomplish the purpose contemplated.

SEC. 6. The City Marshal shall be the Chief of Police, and all police constables and watchmen, except when otherwise provided by ordinance, shall be subject to his direction and control.

The Marshal and each police constable shall have an office or station in some convenient or central location, where he shall attend at all reasonable hours except when absent on duty; and all police officers shall render prompt and efficient aid to each other in the discharge of their duties.

SEC. 7. All members of the police department shall cause all the ordinances of the city to be observed and enforced, especially within their respective wards or districts. When any violation of law, or of any ordinance, shall come to the knowledge of any member of the police department, or be reported to him, he shall without delay cause the proper complaint to be made before a Police Magistrate or other competent court, and the proper witnesses to be summoned or evidence procured for the successful prosecution of the offender. The Mayor or any Alderman or Police Magistrate may, and all other police officers shall arrest, with or without process, any person who shall be found in the act of violating any ordinance of the city, and commit him for examination, and if necessary detain him in custody over night, or over Sunday, or place him in the city prison, or other secure place, until he can be brought before a Police Magistrate, or other competent court.*

SEC. 8. Any police officer shall have power upon reasonable ground of suspicion, to enter peaceably, or if refused or resisted after demand made, by force, any house or other premises in which any person may be suspected to be for unlawful purposes, and may arrest without process any person who may be found therein, guilty or reasonably supposed to be guilty of any criminal act, and detain him in custody as in other cases until he can be brought before a competent court or Magistrate.

SEC. 9. Police constables shall have power and authority to serve and execute all process for the apprehension or commitment of all persons charged with the violation of any ordinance of the city, in the same manner and with the same power as the City Marshal, and shall be entitled to receive the same fees as are received by him in similar cases.

SEC. 10. The City Supervisor shall have power to arrest without process in the same manner as police officers, all persons who may be found violating any ordinance in relation to the streets, alleys, or side walks.

SEC. 11. Whenever the Mayor and the Committee on Police shall deem it nec-

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* The City Marshal of the city of Springfield has power to arrest without warrant any offender for any violation of any penal ordinance, committed in his presence. Bryan vs. Bates, 15 Ills. Rep. 87. Main vs. McCarty. 15 Ills. Rep. 441.

An arrest may be made for violating a city ordinance by keeping open a tippling house on the Sabbath. Main vs. McCarty, 15 Ills. Rep. 441.

An arrest for the breach of the peace need not be made immediately, and may be made after peace is restored and the affray over, or upon the information of an officer who was present witnessing it, after the affray is over. Same case.

A city ordinance authorizing an arrest without warrant for breaches of the peace or threats of breaches is legal. Same case.

essary to establish a temporary night watch, or temporarily to increase the number of watchmen or police constables, they may appoint in writing under the corporate seal and the signature of the Mayor, a suitable number of reputable and discreet citizens of the city as temporary watchmen or policemen, whose powers, duties, and liabilities shall be the same as other watchmen and police constables, and who shall take and subscribe the same oath, and may be required to execute bond to the city in like manner. The Mayor shall report all such temporary appointments to the next meeting of the City Council, and the City Council may continue or discontinue the same in its discretion; and the persons so appointed shall receive such reasonable compensation as may be agreed upon, or as may be provided by the City Council.

SEC. 12. The Mayor may, when deemed necessary, detail the Marshal or any police constable or watchman for the discharge of any special police duty, and may require all police officers to perform police duty at any time of the day or night.

SEC. 13. The City Marshal, subject to the approval of the City Council, may make and establish such reasonable rules and regulations as may be deemed necessary for the efficient management of the police department, and he shall keep such records, books, and accounts pertaining to the duties of his office, and in such manner, as may be required by the City Council, or the Police or Finance Committees.

DIVISION II.—POLICE MAGISTRATES.

SEC. 14. All suits or actions for the recovery of any fine, penalty, or forfeiture, arising under the city charter or the ordinances of the city, where the amount sued for or in controversy does not exceed one hundred dollars, may be brought before any Police Magistrate of the city, or before any Justice of the Peace in the city designated by the City Council.

SEC. 15. Before any suit shall be brought in the name of the city by any Police Magistrate, or Justice of the Peace, for any fine or penalty, the City Attorney or other officer or person prosecuting, shall file a statement, signed by him, substantially as follows, to wit:

A. B. To the city of Warsaw Dr. to ——— dollars, for breach of a city ordinance, entitled ——— passed the ——— day of ——, A. D. 185 , in this, to wit: (here describe with particularity the breach in the language of the ordinance,) between the —— day of ———, A. D. 185 , and the ——— day of ———. A. D. 185—.

Signed [by complainant]

C. D.

SEC. 16. Upon affidavit being made by any person, of the violation of any ordinance by any other person, stating the nature of the violation, and that the offender is a non-resident of the city, or is about to leave or remove from the city, or that there is otherwise danger that the debt or penalty will be lost to the city, unless the offender be arrested and held to bail, stating the cause of such danger to the satisfaction of the court—or if it shall appear from the affidavit that the offense committed is an assault, breach of the peace, or other offense in which a warrant is authorized to be issued by the laws of the State, a warrant may be issued for the arrest of the person accused as in other cases.

SEC. 17. No process shall be necessary where the person is legally arrested without warrant and brought before the court; but the officer making the arrest

shall, unless waived by the person arrested, return a written statement of the cause, time, and place of arrest, and a note thereof shall be entered upon the docket of the court. But in all cases the statement required by the fifteenth section hereof, shall be made out, signed, and filed as is therein prescribed.

SEC. 18. Any person who may be arrested by, or in the custody of any officer, for the violation of any ordinance of the city, may release himself from custody or imprisonment, by entering into bail or recognizance before such officer, or before any Police Magistrate, in such amount or with such surety or surities as may be required of him, and conditioned that he will appear before the Police Magistrate, or court named therein, at the time named therein, and remain and answer the offense with which he stands charged, and await his trial thereon, and not depart the court without leave. The amount of the penalty of the bond or recognizance shall be proportioned to the offense charged, and such bond or recognizance shall be filed with the Magistrate or court named therein, by the officer taking the same; and if the offender shall fail to appear, or shall otherwise fail to comply with the conditions thereof, the same shall be adjudged forfeited, and suit shall forthwith be brought thereon against the offender and his surety or sureties, for the full amount of the penalty thereof, and judgment shall be rendered by the court for the same, and all costs, or for so much of such penalty as may be adjudged just and proper, upon examination of the facts of the case.

SEC. 19. All officers making arrests shall attend as witnesses before the police court, and shall procure all necessary evidence in their power, and furnish a list of all witnesses to the court or to the City Attorney.

SEC. 20. Witnesses and jurors attending before any Magistrate, in any suit or action for any fine or penalty arising under the ordinances of the city, shall in case judgment is obtained against the offender and collected of him, be entitled to the same fees as in like cases before Justices of the Peace. But no costs of such kind shall be taxed against or collected of the city.

SEC. 21. The City Attorney shall not be compelled to bring or prosecute any suit in any case where he and the court may be satisfied that the complaint is instituted maliciously, or vexatiously, and without any probable cause, and that the interests of the public or of the city will not be subserved thereby. And if any person charged with any offense, shall, upon his trial thereof, be acquitted, and it shall satisfactorily appear to the court that the complaint or prosecution was instituted maliciously, or vexatiously and without any probable cause, judgment may be rendered against the complainant or prosecutor for the costs arising in the case, and execution issued for the collection of the same.

SEC. 22. When any person shall be committed by any court or Magistrate, for the non-payment of any fine or penalty, the City Marshal or any police constable may take such person from the city prison or other place of confinement, and deliver him with a copy of the execution, and with the amount of fine and costs, into the custody of the City Supervisor, or of any other person having charge of any of the public works of the city. And the Supervisor or such other person shall receive the person so committed, into his custody, and receipt for him to the Marshal on the execution held by him, and shall enter in a book the amount of the fine and costs, and the number of days which the person will be required to labor to discharge the same, at the rate of one dollar for each day he shall diligently labor; and he shall compel such persons to labor on the streets and alleys, or any other public works of the city, for ten hours in each day, and shall credit him with one

dollar for each day he shall so diligently labor, and shall discharge him when he shall have labored out his fine and costs.

SEC. 23. Any person so committed who shall refuse to labor, or who shall conduct himself in a riotous or disorderly manner, or shall refuse to obey the order of the Supervisor or other person having him in charge, or shall resist him, or attempt to escape, shall not be entitled to any credit on his fine, and may be re-committed to the city prison or other safe place of confinement until he shall consent to labor. If any such person shall escape he shall forfeit the whole of his labor performed, and if retaken shall work out the whole amount of the fine and costs for which he was originally committed.

SEC. 24. Any person committed may at any time pay the amount of the execution and costs, and upon such payment being made, or upon his working out the amount of the fine and the costs against him, or otherwise being entitled to his discharge, the Marshal, Supervisor, or other officer or person having him in custody, shall, if required, give him a written discharge and set him at liberty.

SEC. 25. The Supervisor or other officer or person having any person so committed into his custody for the purpose of laboring out his fine and the costs—shall furnish him with comfortable lodging and plain wholesome food, for which he shall be allowed forty cents, per day, to be paid by the person so committed; and if he shall not pay the same, it shall be paid by the city and charged to him, and labored out in the same manner as his fine; or he may commit such person to the city prison or other secure place for safe keeping, when not laboring, and take him therefrom each day for the purpose of laboring.

SEC. 26. The Supervisor, the Marshal, or other officer having any such person in custody, shall, from time to time, report to the City Council the names, the amount of the fine, the manner of discharging the same, and the number of days' labor performed; and if any person so committed shall escape, the officer or person having him in custody shall immediately notify the Mayor and Marshal thereof, giving the Marshal a description of such person.

SEC. 27. The City Marshal and Police Constables shall be allowed twenty-five per cent. of the amount of all fines collected by them in cash, and paid into the city treasury, in lieu of all costs against the city.

SEC. 28. Any Magistrate or other officer collecting fines or moneys on account of the city, shall pay the same into the city treasury as fast as collected. Each Magistrate before whom any suits may be brought in the name of the city, for the recovery of any fines or penalties, shall quarterly, on the first Mondays of March, June, September, and December in each year, report to the City Council a list of all suits brought in the name of the city since his last report, with the disposition made of each case, the amount of the fine imposed, if any, the name of the officer charged with the collection of the same, by whom, and the amount collected, and the amount of per centage due to such officer; also the amount collected since his last report, upon any judgment for any fine rendered prior to such report, with the amount of the per centage due the proper officer thereon; and upon the approval of his report, the City Council shall order the amount of per centage to be paid to the officer entitled thereto.

If any Magistrate shall neglect or refuse to hold a police court at any reasonable time when required, or shall neglect or refuse to pay over any moneys collected by him, or to make his quarterly report as is herein required, the City Council may order all suits in the name of the city, for the recovery of any fine or penalty, to be

brought before some other Magistrate, or may designate one or more Justices of the Peace within the city who will agree to comply with the requirements hereof, and before whom all suits in the name of the city for the recovery of any fine, forfeiture or penalty shall be brought.

If any Magistrate or other officer shall neglect or refuse to pay over any fine, or any moneys collected by him on account of the city, legal proceedings may be commenced at any time to compel such payment.

PASSED, July 26, 1859.

CHAPTER XXIII.

SALARIES, &C.

An Ordinance relating to the Salaries, Fees, and Bonds of City Officers.

SECTION 1. The Mayor shall receive as a compensation for his services, a salary of three hundred dollars per annum; together with such other compensation as may be provided by order or resolution of the City Council, for any extraordinary services required of him, or other duty than such as properly belongs to his office of Mayor.

SEC. 2. The City Clerk, in addition to the fees prescribed in the Charter, shall receive as a compensation for his services, two dollars for attending and keeping record of each regular or special meeting of said Council and making a copy thereof for publication, and said fee shall be paid out of the city treasury. For other duties the following fees, to wit: for entering order levying a special tax on each lot or part of lot twenty-five cents; for advertising in the case of a special tax on each lot or part of lot, including sale thereof in case of sale, twenty-five cents; for each lot or part of lot deeded, including acknowledgment of deed, seventy-five cents; said fees to be taxed as costs on said lot or lots. For issuing licences fifty cents each, excepting ferry license which shall be one dollar; taking a bond, one dollar; for writing each official bond and certificate of qualification, fifty cents; all of which said fees shall be assessed to and paid by the person desiring said license, or for whom said bond is written. He shall also receive such other fees as the City Council may from time to time direct, by ordinance or otherwise; and said Clerk shall, before entering upon the duties of his office, file with the Mayor a bond in the sum of five thousand dollars.

SEC. 3. The City Treasurer shall receive as a compensation for his services, one and a half per cent. upon moneys actually paid into the city treasury and paid out, excepting that paid over by a predecessor in office and that paid out to a successor and amounts received upon official bonds, for which a compensation of one half of one per cent. shall be allowed; and said fees shall be deducted at the time of paying out said moneys when paid out, and when paid over to a successor in office, at the time of such payment over; and said Treasurer shall file with the City Clerk a bond in the sum of forty thousand dollars.

SEC. 4. The Treasurer of the Board of Education, shall receive as a compensation for his services, two per cent. on all moneys by him received and paid out by

order of the Board of Education, and one per cent. on all moneys received from a predecessor or paid over to a successor in office; and said Treasurer shall file with the City Clerk a bond in the sum of forty thousand dollars.

SEC. 5. The City Supervisor of streets shall receive as a compensation for his services, two dollars and fifty cents per day, for the time actually employed on the streets or the public grounds of said city; and said Supervisor shall file with the City Clerk a bond in the sum of two hundred dollars.

SEC. 6. The City Harbor Master shall receive as a compensation for his services, ten per cent. on all moneys by him collected as wharfage, and fifty per cent. of all fines, forfeitures and penalties by him collected without suit therefor; and in addition thereto, ten per cent. on all sales made by virtue of the ordinance relating to the public landing; all said fees to be deducted at the time of paying the same over to the City Treasurer; and said Harbor Master shall file a bond with the City Clerk in the sum of one thousand dollars.

SEC. 7. The City Fire Wardens shall receive as a compensation for his services, one dollar and fifty cents per day for the time actually employed, as the City Council shall from time to time direct, by order, resolution or ordinance.

SEC. 8. The City Measurer of Lumber, building materials and mechanical work, shall receive the following compensation for his services, to wit: for the inspection and measurement of lumber, twenty-five cents per 1000 feet; for the inspection and measurement of other building materials, thirty cents for one hour or less, including the time occupied in going to the place where the same are deposited, and twenty cents for each succeeding hour; one half of said fees to be paid by each of the contracting parties.

SEC. 9. The City Marshal shall receive as a compensation for his services, aside from his fees as constable, such fees as are provided by ordinance for the services required, and he shall file a bond with the City Clerk, in the sum of five hundred dollars.

SEC. 10. The City Assessor shall receive as a compensation for his services in assessing the property of said city, the sum of one hundred and twenty-five dollars.

SEC. 11. The City Weigher shall receive as a compensation for his services, one-half of the fees allowed for weighing; and said Weigher shall file a bond with the City Clerk in the sum of one hundred dollars.

SEC. 12. The salaries of all officers, not otherwise specially provided for, shall be paid out of the City Treasury, and said payments shall be made quarterly per order of the City Council; and in no case shall said Council grant an order for the full payment of any officer's salery, if such officer have failed to perform such duties, and make such reports as is required of him by any ordinance, order or resolution passed by said Council, except such officer render an excuse satisfactory to two-thirds of said Council.

SEC. 13. No member of the City Council shall be received and approved as security for any officer appointed by the City Council; and the salary of no officer shall be increased or lessened during the term for which he was appointed.

Passed, July 26, 1859.

CHAPTER XXIV.

SCHOOLS.

An Ordinance relating to the Public Schools.

Rules and Regulations of the Board of Education for the government of the Common Schools of the City of Warsaw.

The special provisions in regard to the Board of Education, the manner in which they shall be chosen, their terms of service, and their powers and duties are contained in the City Charter, Article 1, pages 52 to 59 inclusive.

SECTION 1. The regular meetings of the Board of Education shall be on the last Friday of each month, at 7 o'clock, P. M., at the office of the City Clerk. Special meetings may be called by the President or by any two members, by leaving written notice with the Clerk, whose duty it shall be to notify the members of the Board, of the meeting.

SEC. 2. The order of business at regular meetings shall be as follows:

First—Reading minutes.

Second—Communications.

Third—Petitions.

Fourth—Reports of Standing Committees.

Fifth—Reports of Special Committees.

Sixth—Reports of Officers and Treasurer.

Seventh—Unfinished business, Motions, Resolutions, &c.

SEC. 3. The rules of order shall be those usually governing deliberative bodies.

SEC. 4. At the first regular meeting of the Board, in April of each year, the Board shall appoint of their number three committees, as follows:

First Committee of Finance, consisting of two members.

Second, Committee of Examination of Teachers and Schools, consisting of the President and two members.

Third. Committee on School Grounds, Buildings, Furniture and apparatus, consisting of two members,

A vacancy in any of the Committees can be filled at any regular meeting of the Board.

SEC. 5. The school year shall commence sixteen weeks before the 25th day of December, and shall consist of forty-two weeks of five days each week, and six hours each day; the daily morning sessions beginning at 9 o'clock, A. M.; and from the first of November to the first of February, the afternoon session commencing at 1 o'clock, P. M.; and during the remainder of the year, commencing at 1½ o'clock, P. M.

SEC. 6. The school year shall be divided into three terms, to be called the Fall, the Winter and the Summer terms.

The Fall term shall consist of sixteen weeks, the Winter term of fourteen weeks, and the Summer term of twelve weeks.

There shall be a vacation of one week at the close of the Fall and Winter terms, and a vacation of eight weeks at the close of the Summer term.

SEC. 7. Holidays shall be every Saturday; the Thanksgiving; Christmas to New Year's day, inclusive; and the Fourth of July. No school shall be dismissed on any other day, except by special permission of the Board.

SEC. 8. The Board of Education shall fix the rate of tuition for the High School, Intermediate School and Primary School, when they find it necessary to charge

tuition, in proportion to the cost of conducting each department, requiring payment to be made the first week of each term; and they shall cause said rate of tuition to be published in the city newspapers at least one week before the commencement of each term.

SEC. 9. The duties of the President of the Board shall be, to visit and examine all of the Public Schools, personally, once in two weeks during the school year; he shall give attention to the organization of the schools and, in conjunction with the Principal of each department, see that each pupil is placed in the proper grade, and attend the examination at the close of each term. He shall carefully note the modes of government and instruction pursued, and the adaptation of each teacher for the place he or she occupies, and he shall keep a faithful record of all his examinations, which shall be open for the private inspection of the Board, and whenever he doubts the qualifications, efficiency or fitness of a teacher, he shall report the same to the Board. He shall see that the rules and regulations of this Board are uniformly and faithfully observed in all departments of the schools, that registers are kept and reports are made by the Teachers, with neatness care and uniformity. He shall advise the Teachers on the best methods of instruction and discipline, and in every way aid and stimulate Teachers in the performance of their office and duties. He shall attend all Teacher's meetings and be president of the same *ex-officio*. He shall make a written report of his labors for the year preceding, on the first of April, together with such facts and suggestions relating to the condition of the schools, and the increase of their efficiency and usefulness, as he may deem necessary for their benefit.

SEC. 10. There shall be a recess of fifteen minutes for every pupil, each half day including the time occupied in going out and coming in, which shall take place as nearly as may be at the expiration of one-half of each school session.

SEC. 11. There shall be a public examination of the Intermediate and High School, at the close of the Fall and Winter terms, and the Primary Schools at the close of the Summer term. The examination shall be conducted by the Examining Committee, and in such a manner as to exhibit the true standing of each scholar in the several schools.

SEC. 12. All bills presented for the action of the Board shall specify items for the amount, and also be receipted before an order can be drawn upon the treasury.

SEC. 13. No Teacher shall receive an order on the treasury, until he or she has deposited a schedule or record of scholars, according to the regulations of the Board.

SEC. 14. The Public School House shall not be occupied or used for any other purpose than the sessions of the schools, Teachers' meetings, the holding of Teachers' Institutes, and for the examination of the schools and Teachers.

SEC. 15. No Assistant shall be employed for any school until the average daily attendance shall exceed forty pupils.

SEC. 16. The books used and the studies pursued in all the Public Schools, shall be such and such only as are or may be authorized by the Board, and the Teachers shall not permit any books, tracts, or other publications to be distributed in their schools.

SEC. 17. No pupil shall be allowed to retain their connection with any of the Public Schools, unless they are furnished with the books and utensils regularly required to be used in the respective classes.

SEC. 18. In cases where children are in danger of being deprived of the advantages of education; by reason of *inability*, through the poverty of parents or guardians, the President of the Board is authorized to provide books at the expense of the city.

SEC. 19. No child under five years of age shall be admitted into the Public Schools, nor shall any scholar be transferred from one school to another without the permission of the President of the Board.

COURSE OF STUDY AND TEXT BOOKS USED IN THE WARSAW PUBLIC SCHOOLS.

The Public Schools are divided into three departments, called the Primary, Intermediate, and High School. The Primary and Intermediate Schools are each divided into three grades, to be designated by the letters A, B and C; and the High School is divided into four grades, to be designated by the letters A, B, C and D.

No pupil is admitted to advance to a higher grade until he or she is proficient in all the studies of the lower grades.

PRIMARY SCHOOL.

Grade C.—Elements of Reading, embracing the Alphabet, Spelling, Vocal Culture, Counting and Singing.

Books.—McGuffey's new First Reader, Slates and Cards. The cards to be provided by the Board.

Grade B.—Reading, Spelling, Vocal Culture, Writing on Slates, Singing, Elementary sounds of the Language, Arithmetic, (oral) Object lessons.

Books.—McGuffey's Second Reader, Slates, Cards and Primary Arithmetic.

Grade A.—Reading, Spelling and Defining, Vocal Culture, Mental Arithmetic, Primary Geography, Singing, Lessons in the use of the English Language and writing on Slates.

Books.—McGuffey's new Third Reader, McGuffey's Speller, Colburn's Mental Arithmetic, Monteith's Primary Geography and Slates.

Conditions of transfer to the Intermediate Schools. To pass to Grade C of the Intermediate Schools, pupils must be able to read fluently any lessons from the Third Reader, spell orally or by their elementary sounds, any words selected from the spelling tables of the Third Reader, enunciate accurately all the elementary sounds of the language; repeat correctly and readily, the Multiplication and Division tables promiscuously arranged to write and enumerate any number as high as 100,000, name the Roman numerals and abreviations, name the different States, with their capitols, principal rivers and mountains, and sustain an examination in Colburn's mental Arithmetic as far as the sixth section.

INTERMEDIATE SCHOOLS.

Grade C.—Reading, Spelling and Defining, Analysis of Words, Declamation, Mental Arithmetic, History of the United States, Geography.

Books.—McGuffey's Fourth Reader, Colburn's Mental Arithmetic, Monteith's History of the United States, Monteith's Manual of Geography.

Grade B.—Reading, Spelling and Defining, Analyis of Words, Declamation, Written Arithmetic, Penmanship, English Grammar and Composition.

Books.—McGuffey's Fifth Reader and Speller, Eaton's Arithmetic, Green's primary Grammar, Payson's and Dunton's Writing Books No. 1, 2, and 3.

Grade A.—Written Arithmetic, Geography, English Grammar, Reading, Spelling, Penmanship, Composition and Declamation.

Reading including Spelling, Mental Arithmetic reviewed; Geography reviewed, History reviewed.

Books.—Eaton's Arithmetic, McNally's quarto Geography, Green's primary Grammar, McGuffey's Fifth Reader, Payson's and Dunton's No. 4, 5 and 6 Copy Books.

Conditions of transfer to the High School.—To pass to Grade D of the High School, pupils must be able to read fluently and intelligently any lesson of McGuffey's Fifth Reader; give rules for emphasis and inflection; pass an examination in Green's primary Grammar, Colburn's mental Arithmetic, Montieth's History, Eaton's Arithmetic to Interest, and be able to write a legible hand.

HIGH SCHOOL.

Grade D.—Reading, Spelling by Writing, Declamation, Composition, English Grammar, History, Written Arithmetic, Penmanship, Analysis of Language, Physical Geography.

Latin, German and French, if desired by parents and Guardians.

Books.—McGuffey's new Sixth Reader, Parker's Aid to Composition, Green's English Grammar, Eaton's Arithmetic, Payson's and Dunton's No. 6, 7 and 8 Copy Books, Anthon's Latin Lessons, Wilson's History of the United States, Warren's Physical Geography.

Grade C.—Written Arithmetic reviewed, Algebra, Exercises in parsing, Physiology, Reading, Composition, Declamation.

Latin Reader and Cæsar's Greek lessons, German Reader (optional.)

Books.—Eaton's or Greenleaf' National Arithmetic, Milton, Young and Pollock, used in parsing; McGuffey's new High School Reader, Davies' First Lessons in Algebra, Cutter's Physiology, Andrews & Stoddard's Latin Grammar, Andrews' Latin Reader, Andrews' Freund's Latin Lexicon, Anthon's Greek Lessons.

Grade B.—Algebra, Philosophy, Astronomy, Composition, Declamation, Botany, (optional.)

Latin, Virgil and Cicero's Orations. Greek, Anabasis.

Books.—Robinson's University Algebra, Well's Philosophy, Burrett's Geography of the Heavens, McIntyre's Astronomy, Well's Botany, Crosby's Greek Grammar, Liddell & Scott's Greek Lexicon.

Grade A.—Geomety and Trigenometry, Chemistry, Intellectual Philosophy, Surveying and Analytical Geometry, Logic, Rhetoric and Geology.

books.—Loomis' Geometry, Trigonometry and Surveying, Youman's Chemistry, Winslow's Intellectual Phylosophy, Waland's Moral Science, Hedge's Logic, Kames' element of Criticism.

Pupils completing the course of study, shall receive a Diploma.

SEC. 20. All Teachers employed in the Public Schools shall have received from the Committee on Examination, a certificate of qualifications before entering upon his or her duties, and shall have executed a contract of the following form:

Agreement between the Board of Education of the City of Warsaw and ———,

Witnesseth: that said ——, in consideration of the payment to —— herein agreed to be made by said Board, hereby agrees to teach in the ——— Public School, and fully to comply with the regulations and requirements of said Board, for the term of —— months, of four weeks each month, and five days each week, at the rate of ——— dollars per month. The said Board of Education agree that for said servi-

ces they will allow and pay to the said —— the above sum in Orders on the Treasurer of the School Fund, at the expiration of each term of said school, subject to the provisions of section 14th, of the 11th article of the City Charter.

———— Teacher.

———— Board of Education.

SEC. 21. All Teachers in the Public Schools of Warsaw, are required to make themselves familiar with the regulations of the Board of Education, and especially with the portion that relates to their own duties and to the instruction and dicipline of their respective schools, and see that the same are faithfully observed.

SEC. 22. The Instructors shall punctually observe the time appointed for opening and dismissing the schools, and during school hours they shall faithfully devote themselves to their public service. In all their intercourse with their pupils, they shall strive to impress on their minds, both by precept and example, the great importance of continued efforts for improvement in morals, in manners and deportment as well as in useful learning.

SEC. 23. All Teachers are required to be present at their respective rooms fifteen minutes before the opening of the school in the morning, and ten minutes before the opening in the afternoon.

SEC. 24. The Principal of each school shall keep a register in which shall be recorded the names, date of admission, daily attendance, tardiness and absence of each pupil; and every Teacher shall keep a register which shall designate the studies pursued; also, such other record of the progress, standing and conduct of pupils, that shall indicate the true position of each scholar in his or her school.

SEC. 25. It shall be the duty of all the Teachers of the Public Schools, to meet on the second Saturday of each month, or at such times as the President may direct, at the Public School Building, for the purpose of discussing methods of teaching and exercises in the branches taught in their respective schools, with a view of accomplishing better and more uniform methods of instruction, and in hearing reports and essays on educational topics. They shall appoint a Secretary at the first meeting after commencement of each term, who shall keep a record of their proceedings for the inspection of the Board. Each and every teacher neglecting to comply with this regulation without a reasonable excuse, to be determined by the Board of Education, shall forfeit out of their salary, the sum of one dollar for each time they shall be absent.

SEC. 26. Teachers shall endeavor, so far as practicable, to adopt the same general methods of instruction agreed upon as the result of mutual conference at their meetings, so that pupils or classes passing from one grade to another, will not be subjected to a different method while pursuing the same branch of study.

SEC. 27. It shall be the duty of all Instructors to give vigilant attention to the ventilation and temperature of their school rooms. A regular system of ventilation shall be practiced as well in winter as in the summer, by which the air in the rooms shall be effectually changed at each recess, and at the end of each school session, before the house shall be closed.

SEC. 28. The Instructors shall not award medals or other prizes to pupils under their charge.

SEC. 29. All Teachers in the Public Schools may be re-examined whenever the Board requires it.

SEC. 30. No child who comes to school, without proper attention having been given to the cleanliness of his person and dress, or whose clothes are not properly

repaired, shall be permitted to remain in school, but shall be sent home to be prepared for school in a proper manner.

SEC. 31. Any pupil who shall in any way cut, or otherwise injure any part of any Public School House or School Furniture, or shall injure any fence, tree, shrubbery or outbuildings belonging to any of the Public School grounds, or shall write any profane or obscene language on any of the Public School premises, shall be liable to suspension, expulsion, or other punishment, and he shall not be allowed to remain in the schools until full reparation has been made, for the damage done to the premises.

SEC. 32. The Rules and Regulations of the Board may be changed or amended by resolution adopted at any regular meeting, upon notice being given at a previous meeting.

Passed, July 26, 1859.

CHAPTER XXV.

SEAL.

An Ordinance in relation to the City Seal,

SECTION 1. The Seal of the City of Warsaw shall be in a circular shape, one and seven-eighths inches in diameter, with the words "SEAL OF THE CITY OF WARSAW, ILLINOIS," on the outer verge,—the word "Illinois" being on the bottom of the Seal, with a raised star before and following it,—this inscription inclosed by a raised dotted border forming a ring—the center of the Seal having the representation of a steamboat in the water.

PASSED, July 26, 1859.

FERRY.

An Ordinance concerning the Warsaw and Alexandria Ferry.

Be it Ordained by the City Council of the City of Warsaw, that Wm. English or his assigns be required to pay to the City of Warsaw the sum of forty dollars per annum from the first day of May next, as a License for the privilege of running his Ferry from Warsaw to Alexandria in Missouri, and upon payment of the same in advance, into the treasury, the Clerk shall issue a License for the same.

Passed, February 2nd, 1856.

W. C. WAGLEY, Mayor.

W. H. TAYLOR, Clerk.

CHAPTER XXVI.

SIDEWALKS.

An Ordinance in relation to Sidewalks.

SECTION 1. All sidewalks shall be built of good hard paving brick laid in "herring bone" manner, upon a bedding of sand not less than four inches in depth, or with good stone flagging dressed to an even edge and closely laid together, and evenly dressed upon the upper surface, and well embedded in sand, or with good sound white or bur-oak or pine plank, not less than two inches in thickness, laid crosswise with the sidewalk, (unless otherwise specially directed in the order,) and firmly set upon and well spiked to suitable bearings or stringers of not less than three by four inch white or bur-oak scantling, so let into the earth or filled in between as to form an even grade; and all sidewalks shall be laid with a slope toward the curb of one third of an inch to the foot. When built to the full width, a good and substantial stone curbing let into the earth at least twelve inches below the grade of the gutter, or a curbing of good three inch white or bur-oak plank, well tied and spiked to substantial posts placed on the inside thereof, shall be laid on the outside of the sidewalk. Suitable wagon crossings of at least seven feet in width, and extending across the sidewalk, shall be constructed when necessary.

SEC. 2. The City Supervisor shall superintend the construction of all sidewalks, and shall require them to be built of the materials and in the manner herein prescribed; and if any sidewalk shall not be so constructed and laid, he may require that it be properly relaid in compliance herewith; and if the person whose duty it is to do the same shall neglect or refuse to comply with his order, he may cause such sidewalk to be properly relaid without delay, and shall report the costs thereof to the City Council for allowance, and assessment and collect as in other cases; or he may report such sidewalk to the City Council in the same manner as if it had not been laid.

SEC. 3. The City Council may, by the passage of an order to be entered upon the journals by the City Clerk, require the sidewalks in front of or adjoining any premises (describing the same,) along any street or part of street, to be laid, relaid, or widened, to such width, and with such materials, and within such time, as may be designated in the order. Unless a different width shall be specified in the order, they shall be laid to the full width. The order may be substantially as follows, to wit:

"Ordered that a (brick or plank, as the case may be) sidewalk, (or sidewalks) ——— feet wide, be, by the ——— day of ——— next (or instant,) constructed and laid in conformity with the ordinance in relation to sidewalks, to (the established or temporary) grade, on the ——— side of ——— street, in front of (or adjoining) the following described premises, to wit:"

SEC. 4. The City Clerk shall, without delay, after the passage of any order for sidewalks, give notice thereof by publishing for three days at least, an advertisement in any newspaper published in the city, stating in such advertisement the side of the street on which, and describing the premises in front of or adjoining which such sidewalks are required to be laid, the day on or before which

they are to be built, and the width, when less than the full width, and materials thereof. The notice may be substantially as follows, to wit:

"SIDEWALK NOTICE.

CITY CLERK'S OFFICE,
Warsaw,——18— }

Notice is hereby given that the City Council of the city of Warsaw has ordered a (brick or plank as the case may be) sidewalk, (or sidewalks) ——— feet wide, to be constructed and laid to (the established or temporary) grade, on the ——— side of ——— street, by the —— day of ——— next, (or instant,) in front of or adjoining the following described premises, to wit:

"Now, unless the same shall be built within the time and in the manner above mentioned, and as required by the ordinance in relation to sidewalks, the City Supervisor will cause such sidewalks to be built, and the costs and expenses thereof will be assessed against the persons or premises chargeable therewith.

———————, City Clerk."

If other sidewalks have been ordered they may also be embraced in the same notice.

SEC. 5. The City Clerk, shall also, without delay, after the passage of any order for sidewalks, cause a copy thereof to be delivered to the City Supervisor, who, upon receipt of the same, shall, without delay, notify any known owner of each separate lot or premises, or his agent, or any other person whose duty it is by any lease, contract, or otherwise, to build such sidewalk; or if no owner or his agent or other person liable therefor, can be found in the city, any occupant of the premises, by delivering to him, (or each of them in his discretion,) or leaving at his usual abode or place of business, with some clerk, partner, or member of the house or household, above the age of ten years, a notice describing the premises in front of or adjoining which the sidewalk is ordered, and stating the grade, width, and materials thereof, and the day by which it is required to be laid; and if he shall neglect to notify any known owner, or his agent, or occupant or other person whose duty it is to build such sidewalk, as is herein required, he shall be subject to a penalty of five dollars in each case. The notice may be written or printed or partly both, and may be substantially as follows, to wit:

"CITY SUPERVISOR'S OFFICE,
Warsaw,———, 18— }

"To Mr. ———,

"You are hereby notified, that the City Council of the city of Warsaw has ordered a (brick or plank) sidewalk, —— feet in width, to be laid to (the established or temporary) grade, along the front (or ——— side) of lot No. ——— block No. ———, (of the original town or of any addition thereto as the case may be,) in conformity with the ordinance in relation to sidewalks.

"Now, unless such sidewalk shall be constructed and laid in the manner required by ordinance, by the —— day of —— next (or instant,) (the day to be thirty days at least from the delivery of the note,) the undersigned will cause the same to be constructed and laid, and will report the costs and expenses thereof to the City Council for allowance and assessment against the persons or premises chargeable therewith.

———————, City Supervisor."

SEC. 6. If the owner of any lot or premises, or his agent, or any person whose duty it is to build such sidewalk, is not a resident of the city, the Supervisor shall send such notice to him by mail, direct to him at the post office at which he usually receives his letters, if known; but the notice published by the City Clerk in the newspaper, as provided by section fourth of this ordinance, shall be deemed a sufficient notice to all persons whether resident or non-resident.

SEC. 7. All sidewalks shall be built by the owner of the adjoining premises, or by any other person who may be liable to build the same by any contract or agreement with the owner or otherwise, within the time specified by the order of the City Council; or if no time be specified in the order, within thirty days after the giving of notice by the Supervisor as is herein required; but if no owner or other person liable therefor can be found by the Supervisor, they shall be built within the time specified in the notice published by the City Clerk in the newspaper as hereinbefore provided, which time shall be at least thirty days after the last publication thereof.

SEC. 8. If at the expiration of the time of notice, any sidewalk shall not be built, the City Supervisor shall, without delay, report the same to the City Council in writing; or if any sidewalk which may be laid, shall not be constructed and laid in compliance herewith to his satisfaction, he may report the same in like manner. His report shall contain a list and description of each delinquent lot or premises, and shall state opposite thereto the name of each owner or his agent, or the occupant, or other person liable, upon whom he has served notice, and the date and manner of service. If any owner is unknown and cannot be found, he shall state owner "unknown" or "cannot be found" as the case may be. He shall obtain and file with his report, a copy of the sidewalk notice published by the City Clerk, with the proper certificate of the printer of its due publication attached; and his report shall not be received or approved by the City Council unless made as is herein required.

SEC. 9. The City Council may at any time after the approval of the report of the Supervisor, pass an order requiring him, without delay, to cause the sidewalks to be constructed in front of or adjoining the premises mentioned in his report, and to report the costs and expenses thereof for assessment against the premises chargeable therewith. The order may be substantially as follows, to wit:

"Whereas the sidewalks fronting or adjoining the following described lots and premises, to wit:

Name of owner.	DESCRIPTION.			
	Lot.	Block.	Addition.	

Have not been constructed and laid in pursuance of an order passed ———, 18— after due notice to the owners thereof (or their agents or the occupants of the premises or other persons liable therefor, (as appears from the return of the City Supervisor; it is therefore ordered by the City Council, that the City Supervisor cause the same to be constructed and laid forthwith in conformity with the original order,

and report the costs and expenses thereof for allowance and assessment against the premises or persons chargeable therewith."

SEC. 10. The Supervisor shall keep an accurate account of the cost of each sidewalk built in front of or adjoining each separate lot or premises under his supervision by order of the City Council, and he shall, as soon as the same may be completed, report such costs to the City Council, with the description of the lot or premises, and the name of the owner thereof, if known. His report may be substantially as follows, to wit:

Warsaw, ———, 185—.

To the City Council of the City of Warsaw:

In compliance with an order of the City Council, passed ——— 185—, the undersigned has caused a sidewalk (or sidewalks) to be constructed or laid fronting (or adjoining) the following described premises, at the costs and expenses set opposite to each, to wit:

Name of owner.	DESCRIPTION.			Costs.	
	Lot	Block.	Addition.		

If sidewalks shall be built in front of or adjoining several contiguous lots or premises, and the exact cost of each cannot be ascertained, he shall apportion the costs equitably, as near as may be, to each lot or premises.

SEC. 11. When any costs and expenses necessarily made and expended in the construction of any sidewalk in front of or adjoining any delinquent premises, shall be reported by the City Supervisor to the City Council and examined and approved by them, the same may at any time thereafter be collected of the owner of such lot or premises, or other person liable therefor, and recovered by suit in the name of the city before any court having jurisdiction, and the City Council may also at any time thereafter, by the passage of an order to be entered upon the Record by the City Clerk, levy and assess such costs and expenses against the premises chargeable therewith, and direct that the same shall be entered on the assessment list for the current year, (if the same be levied prior to or on the tenth day of August in such year,) but in case the same be levied after the tenth day of August, then that the same shall be entered on the assessment list for the next current year. Said amount of costs and expenses to be entered by the City Clerk in a separate column in the assessment list opposite such property, and to be collected at the same time and in the same manner in all respects as other taxes in said assessment list are collected. The order to be entered on the Record shall contain a correct list and description of the lots and premises, with the name of the owner thereof, if known, and with the amount assessed against each set opposite thereto, and may be substantially as follows, to-wit:

"Ordered by the City Council of the City of Warsaw, that the several sums set

opposite to the following described lots, (parts of lots, real estate, or premises, as the case may be,) respectively, to-wit:

Name of owner.	DESCRIPTION.			Costs.
	Lot.	Block.	Addition.	

Being the costs and expenses approved by the City Council for constructing and laying sidewalks in front of or adjoining said lots or premises by the City Supervisor, in pursuance of an order passed ——— 185—, after failure of the owners thereof, or other persons liable therefor, to do the same after due notice, be and the same are hereby respectively levied and assessed against each of the said lots, (parts of lots or premises,) and that the same be entered on the assssment list for the current year 18— opposite said property, to be collected as other taxes in said assessment."

The City Clerk shall, as soon as practicable, after the passage of the order of assessment, set down in a separate column on the assessment list for the current year, the amount assessed to each lot or part of lot, opposite to the same, in accordance with said order, in case said order of assessment be passed prior to the tenth day of August of such year; but in case said order of assessment be passed after the tenth day of August of such year, then the same shall be entered on the assessment list for the next current year.

SEC. 12. When any sidewalk, or sidewalk curbing in front of or adjoining any premises, shall be broken and need repairs, or require to be wholly relaid, the Supervisor shall, without delay, cause a printed or written, or partly printed and partly written, or verbal notice to be served upon any known owner of the premises, or his agent, or any other person who may be liable to repair or relay such sidewalk, or upon both, in his discretion, stating the nature and extent of the repairs necessary, and requiring them to be made within six days after notification, unless it shall be necessary wholly to relay the sidewalk, in which case, not less than ten, nor exceeding thirty days shall be specified in the notice. But if no known owner of the premises, or his agent, or occupant, or other person liable therefor can be found within the city, or if the costs of such repairs or relaying will not exceed five dollars, or if the sidewalk or the curbing thereof is in such a condition as to be unsafe or dangerous, the Supervisor shall cause the same to be repaired or relaid without notice, and may collect the costs and expenses thereof of the owner of the premises chargeable therewith, or any other person liable therefor, or may report the same to the City Council for allowance and assessment against the premises chargeable therewith.

SEC. 13. The City Supervisor, when any sidewalk or sidewalk curbing may not be repaired or relaid in compliance with his notification, shall, without delay, cause the same to be done, and shall collect the costs and expenses thereof of the owner of the premises chargeable therewith, or of any other person who may be liable therefor; and in all cases where such owners or other persons liable therefor, shall not pay such costs and expenses, the Supervisor shall report the same upon oath to the City Council with the description of the premises to which the same are chargeable, and with the name of the owner thereof, if known, and the time and manner

of notice, where notice is required to be given; and upon the examination and approval of his report by the City Council, the amount so necessarily expended in repairing or relaying such sidewalk or curbing may be levied and assessed against the premises chargeable therewith, and collected in he same manner as is herein prescribed in the case of other sidewalk assessments; or such costs and expenses may at any time be collected of the owner of such premises, or other person liable therefor, and recovered by suit in the name of the city before any court having jurisdiction.

SEC. 14. The grades of sidewalks shall be established by the City Council; but the City Engineer may give a temporary grade where no permanent grade is established, and he shall, when requested by any person desiring to build any sidewalk, stake out the grade therefor.

SEC. 15. Whoever shall build or cause to be built, or assist in building any sidewalk contrary to any grade established by the City Council, or in a different manner than is herein required, or shall, where no permanent grade is established, build, or cause to be built, or assist in building any sidewalk without first obtaining a temporary grade therefor from the City Engineer, or shall build or cause to be built, or assist in building such sidewalk, contrary to the grade which may be given by the City Engineer, shall, in each case, be subject to a penalty of not less than three dollars, and to an additional penalty of not less than one dollar for each day he shall not remedy or rebuild such sidewalk, when required by the City Supervisor, and shall likewise be liable for all damages arising from the bad condition of the same.

SEC. 16. If any owner of any premises, or any occupant or lessee thereof, whose duty it is, by any contract or otherwise, to do the same, shall neglect or refuse to repair, relay or build any sidewalk or sidewalk curbing, in front of or adjoining his premises, after due notice to do the same, as is herein required, he shall be subject to a penalty of not less than one dollar for each day he shall not comply with such notice, and shall also be liable for all damages arising from the bad condition of such sidewalk.

Passed July 26th, 1859.

CHAPTER XXVII.

STREETS AND ALLEYS.

An Ordinance providing for the Improvement of the Streets and Alleys of the City.

SECTION 1. All grading of the public streets and alleys of the city shall be done at the general expense of the city, and paid for out of the general fund. But when the City Council shall deem it necessary to pave or macadamize any street or part of any street, the same shall be referred to the committee on streets and alleys, or other appropriate committee, who shall examine into such proposed improvement, and make an accurate estimate of the probable cost thereof, and report the same to the City Council, with an ordinance designating the street or part of street to be improved, and specifying the plans and manner of such improvement.

SEC. 2. When the City Council shall provide by ordinance, for the improve-

ment of any street or part of any street, and the same shall be paved or macadamized, one half of the costs of such improvement shall be chargeable to and taxed against the real estate fronting upon or adjoining such street or part of street so improved, according to the assessed valuation thereof; and the remaining half of such costs shall be paid for by general taxation and appropriated from the general fund; and to defray one-half of such costs, a special tax not exceeding five mills to the dollar per annum, shall be annually levied and assessed upon all the real estate fronting upon or adjoining such street or part of street so improved, according to the assessed valuation thereof, and collected in the same manner as general city taxes, and exclusively expended in making such improvement until the same shall be completed and paid for, or until the debt with the interest thereon which may be incurred therefor shall be fully paid. And the City Council shall provide for the payment of the remaining half of the costs of such improvement, or of any debt and interest incurred therefor, and shall appropriate from the general fund of the city such a sum as may be necessary to pay one-half of such costs, or of any debt, or installment of debt, and interest falling due, which may be incurred for making any such improvement.

SEC. 3. The Mayor, when authorized by ordinance, may, with the concurrence of the committee on streets and alleys, borrow money upon the credit of the city, to such amount as may be necessary to defray the costs of the making or completing any such street improvement ordered by the City Council, and issue, sell, or dispose of the bonds of the city therefor to the best advantage. Such bonds shall be designated "Street Improvement Bonds," and shall be dated the day of the issuing or delivery thereof, and signed by the Mayor and City Clerk, under the corporate seal, and shall be payable either in gross or by instalments, in not less than three, and not exceeding ten years, and bear interest at not exceeding the rate authorized by the city charter, payable as may be agreed upon, not oftener than semi-annually, and the principal and interest shall be payable at such place within the United States to be named in the bond, as may be agreed upon, and coupons for the interest shall be attached.

SEC. 4. The principal and interest which may become due upon such bonds shall be payable from the special tax and appropriation herein provided for, and the proceeds arising from the sale or disposition of such bonds shall be paid into the city treasury to the credit of the street improvement for which the bonds were issued, and shall be exclusively expended and applied towards the making or completing of such improvement.

SEC. 5. The City Clerk shall annually enter into the appropriate column the assessment list for each current year, the tax of five mills to the dollar, herein provided for, upon the assessed valuation of all the real estate fronting upon or adjoining any street or part of street which may be improved in accordance with the provisions hereof, or such per centage thereof as may be necessary to meet the payment of one-half of any instalment of principal and interest for that year, and such tax shall be collected by the Collector in the same manner in all respects as general taxes, and paid into the city treasury to the credit of such street improvement, and the Treasurer shall keep a separate account thereof.

SEC. 6. The City Engineer or other officer having charge of any public work shall, from time to time, when required, report the cost and progress thereof and shall, without delay, after the completion of any public work or improvement, report the total cost thereof to the City Council.

SEC. 7. The City Clerk shall open and keep a separate account with each street or part of street which may be improved in accordance with the provisions hereof, and shall charge the same with all expenditures made, and credit it with all revenues or moneys received on account thereof.

SEC. 8. All repairs which may become necessary to any street or part of street which may be paved or macadamized under the provisions hereof, shall be made at the expense of the real estate fronting upon or adjoining the street or part of street so improved, and such costs and expenses shall be levied and assessed against and collected of the real estate fronting upon or adjoining such street or part of street so improved and repaired, according to the assessed valuation thereof in the same manner as is herein prescribed for the making of such improvement.

SEC. 9. When the City Council shall order the paving or macadamizing of any public alley, such improvement shall be made at the cost of the owners of the real estate fronting upon or adjoining such alley, according to the number of feet owned by them fronting or adjoining thereon; and notice of the order of the City Council to make such improvement shall be given by the City Supervisor to each known owner of any lot or real estate fronting upon or adjoining such alley, or his agent, and upon the failure or neglect of such owner to comply with such notice, such failure or neglect shall be reported to the City Council by the City Supervisor, and the City Council may order such improvement to be made by the City Supervisor, and the costs and expenses thereof reported by him to the City Council, and the costs and expenses so reasonably and necessarily expended in the making of such improvement shall be levied and assessed against and collected of the real estate chargeable therewith, fronting upon or adjoining such alley, in the same manner in all respects as is prescribed for the assessment and collection of sidewalk assessments; and all proceedings for the improving of any alley under the provisions of this section, shall be the same, as near as may be, as is prescribed for the construction of sidewalks, in the ordinance in relation to sidewalks.

Passed, July 26, 1859.

CHAPTER XXVIII.

STREET TAXES.

An Ordinance in relation to Street Taxes.

SECTION 1. All male residents of the city over the age of twenty-one years, and under the age of fifty years, (not members of the City Council or registered firemen,) shall labor not exceeding three days in each year upon the streets and alleys of the city, in the wards in which they may respectively reside, or pay, in lieu thereof, three dollars to the City Treasurer, on or before the first day of July, annually.*

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*A power in a municipal charter to require all male inhabitants of the city to labor on the streets, alleys, and highways of the city, or to pay a tax in lieu thereof, is constitutional.—Alton vs. Sawyer, 3 Scam. 127.

SEC. 2. The City Supervisor shall, at least twenty days before the first day of July in each year, by publishing an advertisement, for ten days, in all newspapers printed in the city, and also by posting up printed handbills in at least five of the most public places of each ward, cause notice to be given to all male residents of each ward, subject to perform street labor, requiring them to appear at the time and place designated in the notice, for the purpose of laboring upon the streets and alleys of their respective wards, or to pay three dollars into the city treasury in lieu of such labor, on or before the first day of July thereafter. The day or days specified in the notice during which persons subject to labor are required to appear for the purpose of laboring, shall be at least ten days prior to the first day of July. The notice may be substantially as follows, to wit:

"NOTICE TO STREET TAX PAYERS.

CITY SUPERVISOR'S OFFICE,
Warsaw, ———, 18— }

"All male residents of the city over twenty-one and under fifty years of age, subject to perform street labor, and residing in the ——— ward, are hereby notified and required to appear at (the Mayor's office or such other place as may be designated,) at seven o'clock, A. M., on ——— the ——— day of ———, (or between the ——— and ——— days of ———) instant, or next, with the necessary implements for the purpose of laboring upon the streets and alleys of the city in their ward, under the direction of the undersigned; or to pay, in lieu of such labor, three dollars into the city treasury, on or before the first day of July next. And if the street labor shall not be performed, or three dollars paid in lieu thereof, as is herein required, three dollars will be charged and collected by the Collector.

A. B., City Supervisor."

Notification to the residents of two or more wards, or of all the wards, may be given and embraced in the same notice; and if the Supervisor shall neglect to give notice as is herein required, he shall be liable to the city for all loss that may occur from such neglect.

SEC. 3. The City Supervisor shall attend at the time and place mentioned in his notice, and shall direct and supervise such persons as may appear for the purpose of performing street labor in their respective wards; and to all such as shall diligently labor upon the streets or alleys, under his direction or supervision, for three days, he shall give his receipt, stating the fact. He shall not receipt for or receive any money in lieu of labor, from any person, nor shall he transfer his duties as Supervisor to any other person.

SEC. 4. He shall, on or before the tenth day of July in each year, make out and return to the City Clerk an alphabetical list of all persons who have labored for three days upon the streets and alleys, with the number of the wards in which such persons reside, designated with the proper figure opposite to their respective names, and with his certificate attached in the following form, to wit: "The undersigned, City Supervisor of the city of Warsaw, hereby certifies, that the persons whose names appear on the foregoing list have diligently labored for three days upon the streets and alleys of their respective wards, under my supervision, and that I have not receipted for or received any money in lieu of labor, nor transferred my duties to any other person.

A. B., City Supervisor.

SEC. 5. The City Clerk shall, by the first Monday of August in each year, unless further time shall be given, make out and return to the City Council, an alphabetical list of all persons whose names appear upon the poll books of the last general city election, with the ward in which each resides, designated with the proper figure or number thereof set opposite to his name, omitting such persons as have performed street labor or paid the tax in lieu thereof, and adding the names of such persons chargeable with street taxes as he may be able to ascertain, and shall charge three dollars to each person upon such list. He shall also examine the delinquent street tax lists for any prior year, or years, and shall enter and charge any street taxes due for any such prior year which he may deem collectable, noting the year for which the same is due.

SEC. 6. The City Council, when the street tax list shall be returned by the City Clerk, shall examine the same, and may direct to be added thereto, the names of such persons as they may ascertain to be liable for street taxes, or direct the names of such persons as are not liable, to be erased from the list; and upon the approval thereof, shall, by the passage of an order, direct a warrant to be issued for the collection of the street taxes therein charged.

SEC. 7. The City Clerk shall, without delay, after the passage of the order, make out a warrant for the collection of the street taxes, signed by himself and the Mayor, under the corporate seal, returnable within ninety days from the date thereof, and shall attach the same to the street tax list, and deliver them to the Collector, taking duplicate receipts from him, for the amount thereof, one of which shall be filed with the Treasurer, and they shall each charge the Collector with the full amount thereof. The warrant may be substantially as follows, to wit:

STATE OF ILLINOIS, }
City of Warsaw, } ss.

The People of the State of Illinois to the City Collector of the City of Warsaw, Greeting:

Whereas, the several persons whose names appear upon the attached list, have failed to appear and labor upon the streets and alleys of the city, in their respective wards, or to pay three dollars in lieu thereof, after being duly notified thereof, as required by law. Now, therefore, you are hereby commanded to make, levy and collect, of the goods and chattels of the persons above named, the sum of money set opposite to the name of each, as his street taxes, due for the municipal year 18— and make due return in what manner you shall execute this warrant, within ninety days from the date hereof.

Witness, A. B., Mayor of the city of Warsaw, and the corporate Seal thereof, this ——— day of ——— A. D., 18—.

[L. S.]

A. B., Mayor.

C. D., City Clerk.

SEC. 8. The Collector shall collect the street taxes due, with his commission of five per cent. upon the amount thereof, for collecting the same added thereto, in the same manner, and with the same powers as taxes due upon personal property are collected. He shall add to the list the names of such persons as he may ascertain to be liable for street taxes for the current, or any former year, and may collect the street taxes due from such persons, in the same manner as if they had been originally listed by the City Clerk. Upon the receipt of street taxes, he shall mark

the word "paid" opposite to the name of the person paying the same, and shall give him a receipt therefor, stating the ward, and the year for which it is paid. He shall also note upon his list, the names of all persons he may be unable to find, and the names of all persons not subject to street taxes, with the reason of such exemption; and upon the approval of his return by the City Council, he shall be credited with such portion of the list as may be uncollectable. His return shall be made upon oath that it is "true to the best of his knowledge and belief," and may be substantially as follows, to wit:

CITY COLLECTOR'S OFFICE, }
Warsaw, ———, 18— }

To the City Council of the City of Warsaw: the undersigned, City Collector of the City of Warsaw, makes return of the foregoing warrant, that he has collected the several amounts of street taxes of the several persons charged therewith, in the list annexed thereto, opposite to whose names the word "paid" is written; that he has made demand of all the other persons whose names appear upon said list, so far as he has been able after diligent search to find them; that he has entered upon such list the names of all persons liable for street taxes, so far as he has been able with diligence to ascertain the same: that he has not received any money for street taxes due, of any person not entered on such list, and marked paid: that he has been unable to find the persons marked "not found" opposite to their respective names: that the persons noted in the list are to the best of his belief not subject to street taxes, for the reasons specified opposite to their respective names; and that he has not been able to collect the street taxes due from the persons liable therefor, not marked paid on the list, or to find any personal property belonging to them, or either of them, out of which such taxes could be made. He therefore returns the said warrant, unsatisfied as to all street taxes due, and not marked paid on the list annexed thereto.

————, City Collector.

SEC. 9. Street taxes due may also be collected of the person liable therefor, at any time before or after the return of the warrant, by suit in the name of the city before any court having jurisdiction; and the City Council may order suit to be brought against all persons for the collection of delinquent street taxes, or such part thereof as may be collectable.

PASSED, July 26, 1859.

CHAPTER XXIX.

TRANSIENT TRADERS.

An Ordinance Regulating and Licensing Transient Traders.

SECTION 1. No transient trader shall within the city, sell or barter by retail, or shall offer or expose for sale or barter by retail, either by sample or other specimen, or by list, catalogue or otherwise, any goods, wares, or merchandise, not being agricultural products, or articles manufactured within this State, whether such trader be the maker or manufacturer thereof or not, without a license therefor, under a penalty of not less than fifty dollars in each case.

SEC. 2. For a license to a transient trader to sell goods, wares and merchandise under the provisions hereof, there shall be taxed and collected two per cent. upon the value of the goods, wares and merchandise owned by, or in the possession of such person, as his stock in trade. Such value to be stated in his application for a license, and ascertained and verified by the oath of the applicant; and if the Mayor and Clerk shall not be satisfied with such valuation, they may appoint any two disinterested and reputable merchants of the city, to fix the value of the goods wares and merchandise of such transient trader, and the valuation so fixed by them shall be final and conclusive.

SEC. 3. No person or co-partnership of persons shall, under or in his or their name, or firm, or at his or their place of business, or elsewhere, within the city, suffer or permit any transient trader to sell or barter, or to expose or offer for sale or barter by retail, either by sample or other specimen, or by list, catalogue or otherwise, any goods, wares or merchandise, contrary to the provisions hereof, under a penalty of not less than fifty dollars.

SEC. 4. The term "transient trader," shall be construed to mean any person not permanently transacting business within the city, and not paying all city taxes upon his stock in trade, regularly and legally assessed and collected, upon the stock in trade of permanent merchants and traders.

Passed, July 26, 1859.

CHAPTER XXX.

PRISON.

An Ordinance in relation to the City Prison

SECTION 1. The stone building and enclosure, situated on Lot numbered five (5) Block numbered twenty (20) in the City of Warsaw, shall be denominated the "City Prison," and shall be used as a Prison and Workhouse for all purposes requiring the same, by the charter and ordinances of the said city.

SEC. 2. The City Marshal shall have the charge of the City Prison, and the custody of all persons committed thereto; and he is hereby required to put to suitable work, either inside of said prison or on the streets and alleys of the city, all persons committed by any magistrate for failure to pay any fines or penalties incurred for breach of any ordinance of the city, and to retain such person in said prison until his term of imprisonment shall expire, or until he or she has paid his or her fine, as required by section 16, article 12, of the charter.

Passed, July 26, 1859.

CHAPTER XXXI.

TREASURY DEPARTMENT.

An Ordinance establishing and regulating the Treasury Department.

SECTION 1. The City Clerk shall audit all accounts allowed by the City Council, and correct any errors that may be found therein, and upon ascertaining the amount due, he shall draw his warrant upon the city treasury therefor, signed by the Mayor and countersigned by him.

He shall keep in a suitable book, an accurate list of all warrants drawn on the treasury, stating the date, number, and amount thereof, and the name of the person in whose favor drawn; and he shall take the receipt of such person for the warrant upon the delivery thereof.

SEC. 2. The City Clerk shall keep a day-book, journal and ledger, and such other books as may be necessary, and shall keep all accounts pertaining to the finances of the city by double entry.

He shall keep an accurate account with all city officers and others collecting or receiving any moneys, property, or claims on account of the city, charging them with all moneys or property received by them, or claims placed in their hands for collection, and crediting them with all moneys paid into the treasury, upon their filing the treasurer's receipts, or with accounts or claims uncollectable, or other proper credits, upon filing the proper vouchers. The Treasurer shall be credited with all warrants cancelled and returned.

SEC 3. The Clerk shall keep a detailed and specific account of the city revenue, keeping an account with each separate fund, crediting the same with all receipts, and charging it with all appropriations or warrants drawn thereon.

He shall keep an accurate account of all debts due by, or owing to the city, and shall keep a bill book in which he shall enter a correct list of all bonds, notes, or other obligations given by or payable to the city, with the date thereof, the person to whom or by whom owing or payable, and the rate of interest, and the time and manner in which the principal and interest are payable, and such other particulars as may be necessary to a full understanding of the tenor thereof.

He shall charge each warrant to the fund or appropriation on which it is drawn.

SEC. 4. The City Treasurer shall keep a day-book, journal and ledger, and such other books as may be necessary, and shall keep by double entry an accurate account of all moneys received and disbursed by him on account of the city, stating from whom and on what account received, and to whom and on what account paid.

He shall keep an accurate account with each separate fund, or general appropriation, and of the debits and credits properly belonging thereto.

He shall keep an accurate list of all warrants received or redeemed by him, stating the date, number, and amount thereof, to whom issued, and from whom and the date whence received.

SEC. 5. He shall at each regular meeting, report to the City Council an accurate statement of all receipts and payments for the preceding month, and return all warrants cancelled, to the City Clerk, taking his receipt therefor; and the Clerk shall credit him with the amount of such warrants.

SEC. 6. The City Treasurer shall give duplicate receipts to the officer or person paying any moneys into the treasury on account of the city, one of which shall be filed with the City Clerk, who shall charge and credit the proper account therewith.

SEC. 7. Whenever any city officer shall neglect or refuse to pay over any moneys, or to make proper settlement of his accounts, or of any claim of the city placed in his hands for collection as required by ordinance, or whenever upon the adjustment of the account of any city officer, any moneys shall be found due by him to the city, and the same shall not be immediately paid into the city treasury, and the Treasurer's receipt therefor filed with the City Clerk, the City Clerk shall forthwith report such officer, with an abstract of his account, to the City Council, who shall, by an order, require him to make proper settlement of his account, or of all claims of the city placed in his hands for collection, and to pay into the city treasury without delay, all moneys due the city, and to return to the City Clerk all claims in his hands. Notice of such order shall be given to such officer, and to his sureties, by the Mayor, and upon his default to comply therewith, suit may be brought upon his official bond for the amount with which he stands charged, or such other measures may be taken as will secure the city from loss. An abstract of the account of such officer, certified to by the City Clerk under the corporate seal, shall be delivered to the City Attorney, and shall be sufficient to commence suit against such officer and his sureties upon his official bond, before any court having jurisdiction.

SEC. 8. No account shall be allowed, or warrant drawn in favor of any person indebted to the city, or of his assigns, except for the balance which may be due over and above the amount due the city.

SEC. 9. The Committee on Finance shall prescribe the manner in which the books and accounts of all city officers shall be kept, in order to establish uniformity therein. They shall, at least quarterly examine the books, accounts and papers of all city officers, and see that they are properly, regularly and neatly kept and preserved, and that the books and papers belonging to the offices of the Clerk, Treasurer and Collector, are secure from loss or accident by fire; and they shall report to the City Council any neglect or refusal on the part of any city officer to keep his books or accounts properly, or to preserve any paper pertaining to his office. Any officer who shall neglect or refuse to keep his books or accounts, or to preserve any papers pertaining to his office, as required by ordinance, or in such manner as the Committee on finance shall prescribe, may be removed from office for incompetency.

SEC. 10. The Committee on Finance shall, on or before the third Monday preceding the first Monday of April in each year, make settlement with all city officers, and final settlement at the expiration of their terms of office, and report the same to the City Council. If they shall be unable to make settlement with any officer, they shall state the fact, and the causes which prevent such settlement.

SEC. 11. The City Clerk shall annually, on the third Monday preceding the first Monday of April, report to the City Council an accurate statement of all receipts and expenditures since the last annual report, showing for what purposes received, and for what objects expended,—the amount of general taxes received from each ward, and the amount expended for local improvements in the same, the debts due or owing by, and amounts owing to the city, and the object or purpose for which created or owing, and such other matters as may be necessary to a full understanding of the financial condition of the city.

SEC. 12. The City Treasurer shall, on the third Monday preceding the first Monday of April annually, report to the City Council a full and complete statement of the transactions of his office since the last annual report, showing the

amount of revenue and expenditures, the sources from whence derived, and the purposes for which expended or appropriated, and the state of the Treasury.

Any other city officer, if required, shall report to the City Council, at the same time, a complete statement of the transactions of his office for the preceding year.

SEC. 13. The fiscal year of the city shall commence on the first Monday of April in each year.

PASSED, July 26, 1859.

CHAPTER XXXII.

TREES.

An Ordinance in relation to Trees.

SECTION 1. All shade or ornamental trees placed along any street, shall be planted on a line two feet inside of the outer edge of the sidewalk or curbing, as defined and established by the ordinance relating to sidewalks. But no trees shall be planted on any sidewalk less than eight feet in width. Whoever shall plant or cause to be planted any tree upon any street or sidewalk contrary to the provisions hereof, shall be subject to a penalty of not less than one dollar for each tree planted, and the City Supervisor or any police officer shall cause such tree or trees to be removed, and may collect the costs of such removal of the person liable therefor with the penalty, or in a separate suit in the name of the city.

SEC. 2. All trees shall be kept trimmed up so as not to incommode or obstruct the passage of persons along any sidewalk or street, and if the owner or occupant of the premises, upon, fronting, or adjoining which such trees are situated, shall, after notice by any city officer, neglect or refuse to trim up the same as is herein required, the Mayor shall, without delay, cause such trees to be trimmed up, and such owner or occupant shall be subject to a penalty of one dollar for each tree he shall so neglect or refuse to trim after such notice, and the costs of trimming the same may be collected and recovered with the penalty, or in a separate suit in the name of the city.

SEC. 3. Whoever shall willfully, maliciously, or negligently break, cut, or otherwise injure, deface or destroy, any shade or ornamental tree upon any sidewalk or private premises, shall be subject to a penalty of not less than three dollars in each case.

Passed, July 26, 1859.

CHAPTER XXXIII.

WARDS.

An Ordinance dividing the City into Wards.

SECTION 1. The City shall be, and the same is hereby divided into three Wards, The division as aforesaid shall be as follows, to wit: All that portion of the city lying north of a line beginning at the Mississippi river and running along the center of Main street to the city limits on the east, shall constitute the First Ward.

SEC. 2. All that portion of said city lying south of the First Ward, and west of a line running along the center of Harrison street, to the city limits on the south, shall constitute the Second Ward.

SEC. 3. All that portion of said city, lying east of a line running along the centre of Harrison street, from the centre of Main street to the southern limits of said city, shall constitute the Third Ward.

Passed, July 26, 1859.

CHAPTER XXXIV.

WHARF.

An Ordinance relating to the Public Landing.

SECTION 1. The Public Landing of the city of Warsaw, shall comprise all that ground lying south of the north boundry line of said city, and west of the west line of the lots and blocks fronting on the Mississippi river, including streets, so far as the jurisdiction of the city extends.

SEC. 2. The City Council shall each year, at the time of the appointment of other city officers, appoint a suitable person for Harbor Master, who shall hold his office for one year, and whose duties shall be as herein set forth.

SEC. 3. All that portion of the Public Landing lying south of the north line of Jackson street, and north of the north line of Lafayette street, shall be specially appropriated to the landing of steamboats, and no other boat, craft or raft shall land or remain at said part of the Public Landing; and all persons landing or having charge of any such boat, raft, or other craft, or having an interest in the cargo to be received or discharged from such boat or craft, or having lumber in such raft, ordering or requiring the same to be landed at said portion of the Public Landing, shall immediately, on notice so to do, by the Harbor Master, remove the same, and on failure so to do, shall forfeit and pay to the city ten dollars, to be collected by the Harbor Master, and the said Harbor Master shall cause the same to be removed at the expense of the owner or person in charge or in possession thereof.

SEC. 4. The Harbor Master whenever it may be necessary, shall assign places for all boats and rafts, giving the preference to steamboats in the order of their arrival, and every person in charge thereof shall cause the same to be removed to the place assigned, and every person failing so to do, on being notified by the Wharf Master, shall forfeit and pay to said city for its use, as a penalty therefor,

the sum of ten dollars; *Provided*, that no boat or raft shall, when not in that portion of the Public Landing, especially appropriated to steamboats or assigned to the same, be compelled to give place to a steamboat, while such boat or raft is actually employed in discharging a cargo.

SEC. 5. All goods, wares, merchandise and other things, which may be landed south of the north line of Jackson street and north of the north line of Lafayette street, shall be removed as soon as practicable, and if suffered to remain over forty-eight hours, the Harbor Master shall cause the same to be removed to some suitable place at the charge of the owner. All such as may be landed above or below said streets, may remain so long as the Harbor Master may permit, not exceeding ten days, and if suffered to remain beyond that time, he shall cause the same to be removed to some suitable place, at the charge of the owner.

SEC. 6. No raft shall remain in the water at any part of the Public Landing, for a longer time than ten days, unless by special permission of the Wharf Master; a longer time is granted for the purpose only of having the same drawn out; and every person having charge thereof, who shall neglect to draw out said raft, within said time so limited or specially granted, shall forfeit and pay to said city, for its use, as a penalty therefor, the sum of fifteen dollars.

SEC. 7. If no master, owner, or agent, shall appear to take charge of any boat or raft, which may be found lying at the Public Landing, or any other property landed therefrom, the Harbor Master shall take charge of the same, and take all necessary measures to secure the same, and all proper charges and expenses incurred by him shall create a lien thereon.

SEC. 8. If the master, owner, or agent, shall appear within sixty days, and pay to the Harbor Master all fees, costs and charges, for which any such boat, raft, or other property, may be liable, the same shall be restored to such master, owner or agent; but if no such owner, master, or agent appears within said sixty days, or appearing, shall fail to pay as aforesaid, the Harbor Master shall sell such boat, raft, or other property for cash, at public auction, to the highest bidder, first having given thirty days previous notice of the time and place of sale, by posting up the same in three public places in said city, and also by a publication thereof in a city newspaper; *Provided, however*, that if such boat, raft, or other property, shall, in the opinion of the Harbor Master, be of less value than ten dollars, or of a perishable nature, then the Harbor Master shall not be required to wait sixty days, but proceed to sell such boat, raft, or other property, as herein directed, first having given thirty days notice by posting as aforesaid.

SEC. 9. The Harbor Master, after deducting all fees, costs, and charges, for which the boat, raft, or other property was liable, shall pay the proceeds into the city treasury, and the balance, after the deduction hereinafter mentioned, shall be refunded to any person authorized to receive the same, as in the case of sale herein provided for.

SEC. 10. Out of the proceeds of all sales made under this ordinance, the city shall retain three per cent., to be deducted when the same is paid over to the person entitled thereto.

SEC. 11. The following rates of wharfage fees shall be levied by the city, and collected by the Harbor Master, to wit:

First. From the master of every steamboat, which may regularly or temporarily ply between New Orleans and St. Louis, Warsaw, or Keokuk, three dollars for every landing.

Second. From the master of every steamboat which may regularly or temporarily ply between St. Louis, Warsaw, or Keokuk, three dollars for each trip.

Third. From the master of every steamboat which may regularly or temporarily ply between any points below and above the Lower or Des Moines Rapids, or on the Des Moines River, one dollar for each landing.

Fourth. Boats plying as regular packets between Alexandria, Warsaw and Keokuk, free.

Fifth. From the master of every other steamboat not mentioned in this section, two dollars for each landing.

Provided, That if any steamboat included in the third class, shall not discharge or take on any freight at any part of the Public Landing, but shall land only for the purpose of taking on or putting off passengers, no wharfage shall be charged, unless the number of passengers taken on and put off at one landing, shall together amount to four.

For each produce boat, or boat engaged in coasting trade, or any boat on which any mechanical business is carried on, landing at any part of the Public Landing, there shall be paid for each landing the sum of two dollars, and the additional sum of one dollar for every forty-eight hours the same shall remain, after the first forty-eight hours.

For every raft of lumber which shall be landed within the limits (the steamboat landing excepted,) embraced between the north side of Van Buren street, and the south side of Pine street, there shall be paid for each landing, two dollars. All rafts landing at any other portion of the Public Landing, shall be permitted to land without any wharfage or other fee; and if any raft shall remain at that portion of the Public Landing where fee for wharfage is required, for a longer period than forty-eight hours, the additional sum of two dollars shall be paid for each forty-eight hours, the same shall remain after the first forty-eight hours. *Provided,* that this section shall not apply to any boats compelled to remain for a longer time than forty-eight hours, at any portion of the Public Landing, on account of ice.

Sec. 12. The Harbor Master shall enter in a book kept for the purpose, all moneys received by virtue of this ordinance, the names of persons or boats from whom the same is received, and shall account to the City Council, at their stated monthly meetings, for the same. The amount accruing to the city shall immediately be paid into the treasury by the Harbor Master, and the Treasurer's receipt filed with the City Clerk.

Sec. 13. If any person shall deface, or in any way injure any post, ring, or other appurtenance to the Public Landing, or do any act tending in any wise to the injury of the Public Landing, he shall forfeit and pay to said city for its use, as a penalty therefor, five dollars for every such offence, and pay all the expenses of repairing or replacing the thing injured.

Sec. 14. Any steamboat, its officers, or owner; produce boat, its officers, agent, manager, or owner; raft or lumber agent, manager, or owner, who shall fail or refuse to pay the proper officer (immediately on landing,) the amount of wharfage required by section eleven of this ordinance, shall forfeit and pay to said city, for its use, as a penalty therefor, the sum of twenty dollars for each and every offense.

Sec. 15. Whenever the Harbor Master shall, by any means, be unable to collect any fine, forfeiture, penalty, cost, charge, or expense accruing under this ordinance, on demand from the boat, raft, or other property herein specified, he

shall notify the Mayor thereof, and cause a suit to be instituted forthwith, against any person liable therefor; and nothing herein contained shall prevent the Harbor Master from giving testimony in any such action, whenever the same may be necessary.

SEC. 16. Every boat plying between said city and the opposite side of the Mississippi river, shall be exempt from the payment of the usual rates, of wharfage; *Provided*, that every such boat shall have but one place of landing.

SEC. 17. For any violation of any of the provisions of this ordinance, the person committing such violation shall forfeit and pay to the city of Warsaw, five dollars, where not otherwise provided by this ordinance.

Passed, July 26, 1859.

SUPPLEMENTAL ORDINANCES.

An Ordinance amendatory of an Ordinance in relation to Nuisances.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARSAW, That the fourth division of the ordinance, in relation to Nuisances, passed July 26, 1859, be and the same is hereby repealed.

SEC. 2. When any cost or expenses necessarily expended in removing or abating any nuisance, upon any premises chargeable therewith, shall be reported to the City Council and examined by them, they may, by an order to be entered in full upon the journals, approve and confirm the same, and levy and assess such costs and expenses against the premises chargeable therewith. The order shall contain a correst list and description of the premises, with the name of the owner thereof, if known, and the amount assessed against such lot or premises set opposite thereto, and may be substantially as follows, to wit:

"Ordered by the City Council, that the several sums set opposite to each of the following described lots, (parts of lots, real estate, or premises, as the case may be,) to wit:

Name of owner.	DESCRIPTION.			Amount of Assessment.
	Lot.	Block.	Addition.	
A. B.	1	22	Ralston's,	$20,00
C. D.	N½ 5	21	Fonda's,	5,00
E. F.	4	6	Mason's.	40,00

Being the costs and expenses approved by the City Council, for abating nuisances upon each of the aforesaid lots or premises, by the city, after failure of the owners or other persons whose duty it was to abate such nuisance, after due notice to do the same in pursuance of the ordinances of the city, be, and the same are hereby levied and assessed against each of said lots or premises to defray the costs and expense of abating said nuisance thereon, and that the same be entered on the assessment list for the current year 18— opposite said property, to be collected as other taxes in said assessment.

The Clerk shall, as soon as practicable, after the passage of the order of assessment, set down in a separate column on the assessment list for the current year, the amount assessed to each lot or part of lot or other premises, opposite to the same, in accordance with said order, in case said order of assessment be passed prior to the tenth day of August of such year; but in case said order of assessment be passed after the tenth day of August of such year, then the same shall be entered on the assessment list for the next current year.

SEC. 3. The foregoing amendment shall constitute a portion of the Revised Ordinances of the city, and shall be published with the same.

Passed, August 16, 1859.

THOS. C. SHARP, Mayor.

PETER BAKER, Clerk.

An Ordinance amendatory of certain sections of the Revised Ordinances.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARSAW, That the words "nor shall sell or deliver any intoxicating liquors on the premises occupied by said tables or alley," in the third Section of the third Division of "The Ordinance relating to Licences," passed July 2, 1859, be stricken out.

SEC. 2. BE IT FURTHER ORDAINED, That the word "fifteen" be substituted in place of the word "ten," in the first line of the third Section, fifth Division, of "An Ordinance in relation to City Officers," passed July 26, 1859.

SEC. 3. This ordinance shall constitute a part of and be published with the Revised Ordinances.

Passed August 16, 1859.

THOS. C. SHARP, Mayor.

PETER BAKER, Clerk.

An Ordinance amendatory of an Ordinance in relation to Licences, passed July 2, 1859.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARSAW, That no person shall pursue the business of Commission and Forwarding Merchant, in said city, without procuring a licence therefor, under a penalty of not less than fifty dollars. There shall be taxed by the City Council, and collected, for a licence to pursue the business of Forwarding and Commission Merchant, not less than ten nor more than fifty dollars, for one year.

SEC. 2. This ordinance shall be published with and constitute a part of the Revised Ordinances of the city.

Passed, August 16, 1859,

THOS. C. SHARP, Mayor.

PETER BAKER, Clerk.

TABLE OF ERRATA.

Page 71, 8th line from top the word "requesting" should be "re-registering."
Page 109, 6th line from top, the word "foul" should be "fowl."
Page 97, 4th line, for "sixth" read "fifth."

CERTIFICATE OF AUTHENTICATION.

STATE OF ILLINOIS, }
City of Warsaw, } ss.

WE, the undersigned, Mayor and City Clerk of the City of Warsaw, do hereby certify, that the Ordinances published in the foregoing pages, are the Revised Ordinances of the City of Warsaw, deposited in the office of the City Clerk, passed by the City Council of said City, at the times when the same severally purport to have been passed, and that the same were printed and published by order and authority of said City Council.

In testimony whereof we have hereunto set our hands and affixed the Corporate Seal of said City this the eighteenth day of August, A. D., 1859.

[L. S.]

THOS C. SHARP, Mayor.

PETER BAKER, City Clerk.

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